



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

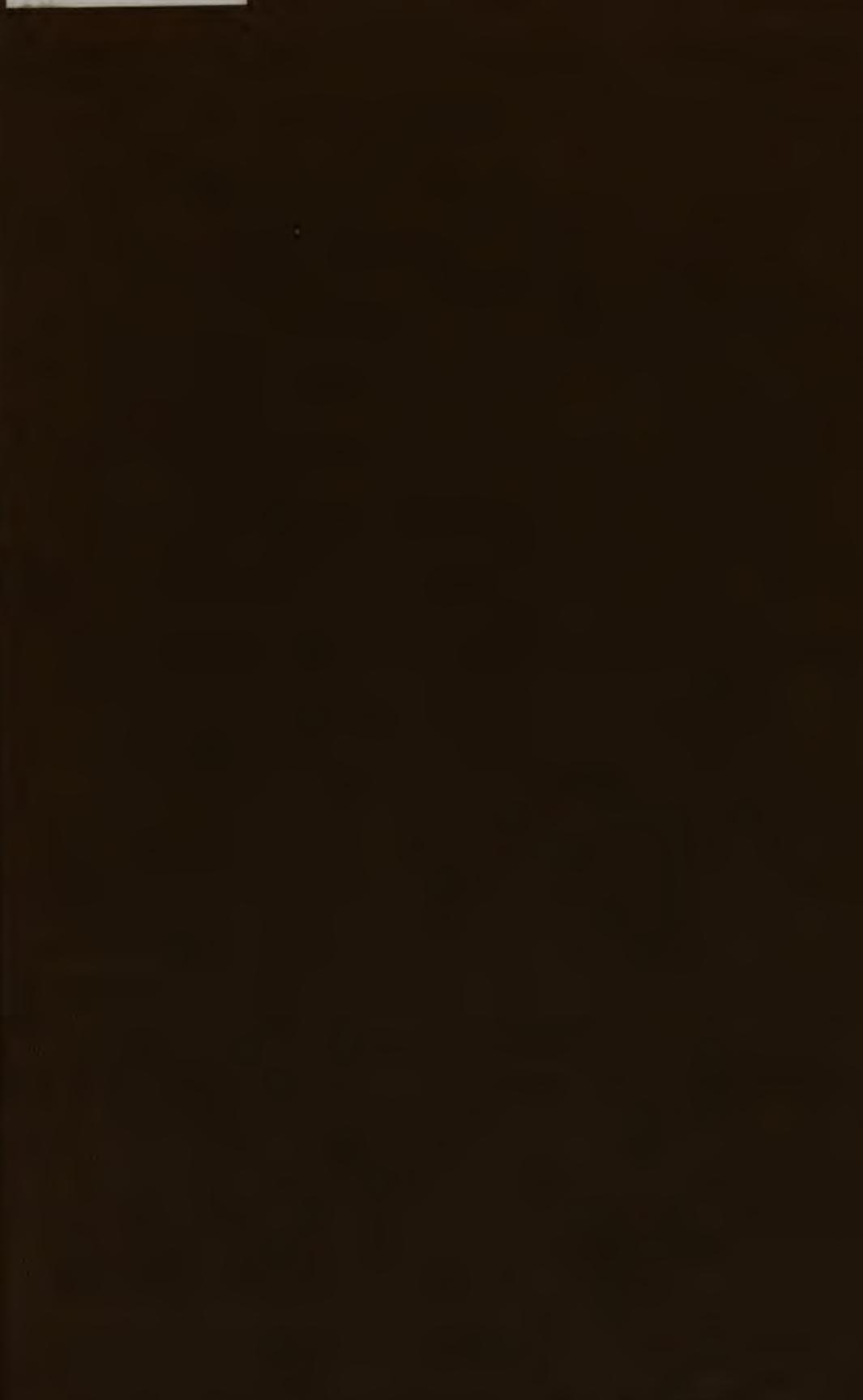
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

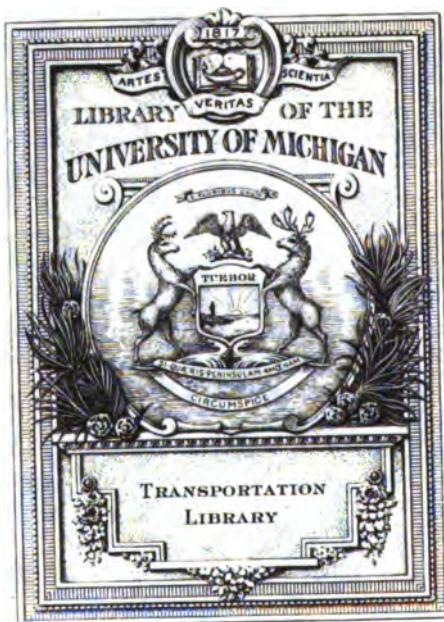
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>









.. 76



HENRY CLAY

Engraved by J. B. Longacre from an original miniature.

THE
SPEECHES
OF
HENRY CLAY,
DELIVERED IN THE CONGRESS OF THE UNITED STATES;
TO WHICH IS PREFIXED
A BIOGRAPHICAL MEMOIR;
WITH AN APPENDIX

CONTAINING HIS SPEECHES AT LEXINGTON AND LEWISBURGH, AND
BEFORE THE COLONIZATION SOCIETY AT WASHINGTON; TOGETHER
WITH HIS ADDRESS TO HIS CONSTITUENTS, ON THE SUBJECT
OF THE LATE PRESIDENTIAL ELECTION;

WITH A PORTRAIT.

CHARLES

PUBLISHED BY H. C. CAREY, & I. LEA, PHILADELPHIA:—C. & C.
CARVILL, NEW YORK:—JAMES W. PALMER, & W. W. WORSLEY,
LEXINGTON, K.—J. P. MORTON, LOUISVILLE, K. AND DRAKE &
CONCLIN, CINCINNATI.

PRINTED BY JAMES MAXWELL.

1827.

Transportation
Library

E
331.8
.C62
1827

EASTERN DISTRICT OF PENNYLVANIA, to wit:

BE IT REMEMBERED, that on the twenty-seventh day of March, in the fifty-first year of the independence of the United States of America, A. D. 1827, H. C. Carey, and J. Lea, of the said district, hath deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

The Speeches of Henry Clay, delivered in the Congress of the United States; to which is prefixed a Biographical Memoir; With an appendix, containing his speeches at Lexington, and Lewisburgh, and before the Colonization Society at Washington; together with his address to his Constituents, on the subject of the late Presidential election. With a Portrait.

In conformity to the act of the congress of the United States, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."—And also to the act, entitled, "An act supplementary to an act entitled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,
Clerk of the Eastern District of Pennsylvania.

CONTENTS.

BIOGRAPHICAL SKETCH of Mr. Clay, - - - - - vii

SPEECH on Manufactures, - - - - - 1

The line of the Perdido, - - - - - 6

The Bank Charter, - - - - - 18

Augmentation of Military Force, - - - - - 32

Increase of the Navy, - - - - - 40

The new Army Bill, - - - - - 51

The Emancipation of South America, - - - - - 74

Internal Improvement, - - - - - 107 ✓

The Seminole War, - - - - - 132

Mission to South America, - - - - - 162

The Tariff, - - - - - 182

The Spanish Treaty, - - - - - 206

Mission to South America, - - - - - 222

Internal Improvement, - - - - - 230 ✓

The Greek Revolution, - - - - - 254

American Industry, - - - - - 263

APPENDIX.

The Colonization of the Negroes, - - - - - 315

The Bank Question, - - - - - 340

Address to Constituents, - - - - - 347

Speech at Lewisburgh, - - - - - 372



**BIOGRAPHICAL SKETCH
OF
MR. CLAY.**

b



BIOGRAPHICAL SKETCH OF MR. CLAY.

The lives of distinguished men are so naturally subjects of curiosity, that the reader of this volume will probably expect such biographical information in regard to Mr. Clay, as it is in our power to communicate. His public career is so closely interwoven with the annals of his country for the last twenty years, that we resign to history her appropriate task of recording it; and chiefly propose, in the ensuing sketch, to narrate those incidents of his life which are not generally known, and which we believe, on sufficient authority, to be authentic.

Henry Clay was born on the 12th of April, 1777, in Hanover county, in the state of Virginia. He was very young when his father, a respectable clergyman, died. His mother became united, in a second marriage, with Mr. Henry Watkins; who removed with his family to Woodford county, Kentucky, where they still reside, highly esteemed by all to whom they are known. At an early age, Henry was placed in the office of the late Mr. Tinsley, clerk of the high court of chancery, at Richmond, Virginia, and while in that situation, he attracted, by his striking intellectual powers and discreet deportment, the attention, first of chancellor Wythe, and afterwards of governor Brooke. The advice of these distinguished men, coinciding, perhaps, with his own secret aspirations, determined him to study law. The energy of his mind, and the assiduity of his studies enabled him, at the age of twenty, to obtain a license to practice. He immediately went to Lexington, Kentucky, but did not, for some months afterwards, commence his professional career. During the interval, he was closely employed in continuing his legal studies, and he also became a member of a society instituted for the purpose of improvement in public speaking.

From a gentleman who became acquainted with Mr. Clay on

his arrival at Lexington, we learn that he was then very slender in make, thin, and apparently feeble in constitution; that his walk seemed to want vigour, and that the movement of his limbs was slow and spiritless. The same gentleman mentions that about this period, a distinguished literary resident of Lexington remarked, that Mr. Clay's colloquial style was more habitually elegant and correct than that of any young man of the same age, whom he had ever known.

For a long time, Mr. Clay's province in the society seemed that of a listener only; and he was first induced to participate in its discussions by a circumstance of which, as every incident in the progress of genius is interesting, it may gratify the reader to be informed. At one of its meetings the vote was about to be taken on the question which had been debated, when Mr. Clay observed in an audible whisper, that the subject did not appear to him to have been exhausted. Several members who were desirous to hear him, immediately exclaimed, "do not put the question yet—Mr. Clay is going to speak." The chairman paused, and looked towards Mr. Clay, who, thus called on, rose in evident embarrassment. Instead of addressing the chair, he began by saying—"Gentlemen of the jury," forgetting in his agitation, where he was, and thinking of the tribunal which he had probably, in imagination, often addressed; for he had not then, as our informant believes, ever spoken at the bar. The members, fearing to increase his agitation, endeavoured to conceal their perception of his mistake; and proceeding through occasional repetitions of it, and frequent blushes, he at length acquired confidence, and astonished his hearers by an argument of convincing force, clothed in the most appropriate language, and uttered in the same firm and finely modulated voice, which has since, in graver assemblies, rendered his eloquence the "sovereign of the willing soul." It is difficult to restrain the fancy which sees in this youthful effort, the germ of the future orator of South American independence, and the champion of his country's insulted honour.

From the date of the anecdote just related, Mr. Clay became

a frequent and conspicuous speaker in the debating society at Lexington. It was observed that his attendance was regular; and that he always came provided with the learning necessary for the subjects of discussion; that his arguments were remarkable for strength and perspicuity, and that his appeals to the passions were so earnest and so skilful that they seldom failed to persuade. Shortly after this time, he was admitted to the bar, as a practitioner in the quarter session court of Fayette county, a court of general jurisdiction, and at the first term got into full practice. This early success, though mainly attributable to the superiority of his genius, and to the solidity of his information on the principles of law, was no doubt promoted by the familiarity with the practical learning of the profession which his connexion with Mr. Tinsley had enabled him to acquire. His reputation as a lawyer, and as a forensic orator, continually increased; and his profits were commensurate with it, until his entrance on the theatre of politics suspended his professional pursuits.

His political career may be said to have commenced, when the people of Kentucky were about electing a convention to form a new constitution for that state. An interesting feature of the proposed plan was a provision for the gradual eradication of slavery. In the canvass preceding the election of members of the convention, the voice and pen of Mr. Clay were exerted in promoting the choice of delegates favourable to this just and beneficent provision; but unfortunately without effect. The opposite party prevailed; but time and reflection are constantly swelling the list of converts to the measure devised by the early wisdom of Mr. Clay; a measure recommended as well by expediency as by humanity. In asserting the *principle* of emancipation, he has ever been as fearless, as he has been uniform in recommending only gradual means for reducing it to *practice*; and it will please the admirers of this great statesman, to find an additional illustration, in the anecdote we have related, of the consistency which is so striking a beauty of his character.

Kentucky was among the first of the states which raised their

BIOGRAPHICAL SKETCH

voices against the sedition law, and other acts of the dominant party in 1798—99. The important aid which on every public occasion, Mr. Clay gave to Mr. George Nicholas in denouncing this law, his eloquent vindications of the freedom of the press, the graces of his elocution, his fervid devotion to the cause of liberty, and the unassuming simplicity of his manners, seemed already to justify the title of "The great Commoner," which was afterwards bestowed on him. So early were the people just to his merits, that about the period to which we have adverted, he was elected to represent Fayette county in the more numerous branch of the state legislature; having been brought forward as a candidate without his knowledge, and during his absence from the county. Very shortly after his appearance on this more extended theatre, he became a prominent member; and in the course of a few sessions was chosen to the office of speaker, the duties of which he discharged with the same dignity and impartiality that subsequently characterized his administration of a similar office on another floor. On occasions when that officer was allowed to join in debate, he exerted, often in conflict with the ablest men in the state, all the energies of commanding and resistless eloquence. During this time, he was also engaged in a laborious and lucrative practice; and was conspicuous for the exact preparation of his causes, which, when called for trial, were always, so far as depended on himself, ready. Whenever circumstances permitted the advantage, he examined the subject minutely, before speaking. Such were the rapidity and intuitive powers of his mind, that he was often suspected of arguing a cause without previous investigation. But when, as often occurs at the bar, he was called by some immediate exigency to speak, he applied himself, during the few moments that could be snatched for reflection with intense and exclusive devotion to the subject, and being endued with a degree of self possession seldom associated with ardent genius, he employed the interval, without apparent hurry or bustle, in methodizing his intended address. He might, perhaps, have explained the symmetry of his movements through crowded and per-

plexing engagements, by saying, as another distinguished man once answered the inquiry, "how he could accomplish so much business so soon," "that he did only one thing at a time."

The gentleman to whom we are already so much indebted, relates an incident of Mr. Clay's professional life, which illustrates his remarkable faculty of abstracting his mind from every thing but the direct object of its meditation, a faculty peculiarly useful at the bar. Mr. Clay was engaged with another gentleman of high professional standing, to defend an action, of great interest to the litigants, in the Fayette circuit court. Something occurred which obliged him to leave the court house at the moment when the cause was called, and it was managed by his colleague. Nearly two days were exhausted in arguing the points of law, of which the case was fruitful, according to the practice common in Kentucky, of praying the instructions of the court to the jury, in all of which his colleague was foiled by the opposite counsel. On the evening of the second day, Mr. Clay was enabled to return to court. He was unacquainted with the facts of the case, and had heard nothing of the testimony which had been given by the numerous witnesses. But, after conferring for a few moments with his colleague, he prepared a short statement of the form in which he desired the instruction of the court; accompanying his application with a few remarks, which threw so strong a light upon the subject, that the judge could not avoid perceiving the propriety of the prayer. It was granted; the verdict of the jury was in accordance with it; and Mr. Clay thus in half an hour, terminated the controversy favourably to his client.

With the events of Mr. Clay's political life, the public are too familiar, to justify us in yielding to the temptation of describing them with a minuteness which would be disproportionate to the design and limits of this sketch. At an unusually early age, he was twice chosen by the general assembly of Kentucky to serve in the senate of the United States, during the residue of terms which had become vacant by the resignation of his predecessors. At the expiration of his second term of service

in the senate, he offered himself as a candidate for a seat in the other house, and was elected without difficulty. At the first session which he attended, he was chosen speaker of the house of representatives of the United States. Of his dignity and impartiality in discharging the duties of that station, it is unnecessary that we should speak. They form one of the brightest pages in our history; and eulogy is prevented by the eloquent fact, that during the many years of his presidency over the house of representatives, not one of his decisions, as speaker, was reversed by that enlightened body.

To enumerate the various measures for advancing the interests and upholding the honour of his country, of which Mr. Clay was the projector or the most conspicuous advocate, would be not merely to obtrude on the historian's walk—it would be to write the annals of the United States for twenty years. His early perception of the necessity of a war with Great Britain; the intrepidity with which "he stood for his country's glory fast;" his sagacity in devising and his eloquence in vindicating plans for her successful progress through an inevitable contest; and his agency in procuring from her proud enemy an honorable peace; are facts yet fresh in her grateful recollection. The particulars of his mission to Ghent, are, from the nature of the subject, less generally known than his other efforts connected with the war. But we have often heard, what the magnanimity of his colleagues will doubtless be prompt to acknowledge, that during the frequent verbal discussions among themselves, as well as between the representatives of the two governments, Mr. Clay always performed a distinguished part.

While absent in Europe, he was again elected to congress; a theatre which, probably from his characteristic fondness for whatever is immediately connected with the people, he seems always to have preferred. Influenced by this inclination, he resisted invitations from president Madison, of whose policy he was the champion, and whose personal character he warmly esteemed, to accept a mission to Russia, and a place in the cabinet of that illustrious magistrate. He was also solicited, strenu-

ously, but unavailingly, by president Monroe, to preside over the department of war, and subsequently to accept a mission to England. During the greater part of Mr. Monroe's administration, different opinions were entertained by himself and Mr. Clay, on some subjects of important concern to the Union. Of these one of the most conspicuous, was the constitutional power of congress to effect internal improvements. Doubts as to this power were by no means confined to the president; and to Mr. Clay's able, persevering efforts to remove them, is generally, and we believe, justly ascribed the opinion in favor of the power which may now be considered as legislatively settled. While urging, with untiring energy, the employment of the resources of his own country in advancing her prosperity, he was not unmindful of the cause of freedom throughout the world, nor of its claims on the sympathy of an American statesman. Believing that the recognition by the United States of the independence which the South American colonies had declared, would encourage their struggle for emancipation without jeopardizing our neutrality, and aware of the commercial advantages to ourselves of that measure, he proposed it to the house of representatives. He found himself, however, unexpectedly opposed by the whole strength of the administration; and the most eloquent oration which was, perhaps, ever pronounced in congress, failed to convince. But time was not slow in confirming its arguments, and South American independence was, through his persevering exertions, acknowledged by the United States at a subsequent period, when the historian will find but few reasons in favour of the measure which did not exist when Mr. Clay originally urged its adoption. This act of our government may be regarded as the triumph of its first proposer over misconception and prejudice, and as an honorable evidence of his forecast and sagacity.

On another occasion, when dilatory acquiescence in his counsels might have been more dangerous, it was his good fortune to preserve the peace of the Union, by reconciling parties between whom both principle and passion had interposed an alarming

gulf. The advocates and the opponents of the unconditional reception of Missouri into the Union, were both strong in numbers and in talent; each professed to range itself under the banners of the constitution; and their angry contention had become menacing to all that Americans held dear. The circumstances attending this controversy are too recent in the history of this nation, to permit any abatement of the liveliness of its gratitude to the master spirit who dispelled the gathering storm. It is generally admitted that Mr. Clay was the only public man who could have succeeded in the patriotic mediation which he effected.

Of other conspicuous features of Mr. Clay's congressional career, his plan for employing the industry of the country in rendering her independent on foreign nations for the necessities and ordinary comforts of life, is remarkable for the vigor with which it was opposed, and for the benefits which have resulted from its adoption. They fully realize the predictions he uttered, when announcing his American system for encouraging domestic manufactures, and there seems no reason to doubt that the farther development of that system will evince it to be the true policy of our country.

After many previous favours from the people, a farther and highly honorable testimony of their esteem for Mr. Clay was afforded in his nomination by the states of Ohio, Kentucky, Louisiana and Missouri, as their candidate for the presidency. With the events succeeding that nomination, every reader is so familiar, that it is scarcely necessary for us to advert even to the calumnies which disappointed factions strove to accumulate on his fame; to his promptitude in repelling them, and in challenging inquiry; to the evasions by his enemies of this inquiry; nor to the repetition of these slanders, with an obstinacy which is made rancorous by refutation. The friends of their country's honor may regret that it has been assailed in the person of her faithful and favourite servant; and the personal friends of Mr. Clay may expect, with undoubting confidence, that the impartial historian will refer to the acts of his life which political

envy has most loudly blamed, as signal examples of his independence, firmness, and patriotism.

The Speeches contained in this volume were delivered principally in the house of representatives, and most of them on the highest questions of national policy. Though imperfectly reported, they will give the reader some idea of all the characteristics of Mr. Clay's eloquence, except his elocution. Of this, as in the case of most orators, only the hearer can form an adequate conception.

Mr. Clay is tall, and thin, but muscular: his appearance dignified, and rather stately: his eyes are of a blue, or dark gray colour, and not very large, and when he is warmed by his subject, beam with peculiar animation and fire. His forehead is high, and his mouth, the feature on which Lavater lays such stress, strongly indicates genius and firmness. The expression of his countenance is commanding: his voice clear, deep-toned, and exquisitely modulated. In this respect, as well as in figure and manner, he is said by those who have heard the younger Pitt speak, to resemble very much that celebrated orator; and the parallel might be extended to many points of their characters. His deportment is deliberate, grave, and courteous; and in speaking, a sincerity and earnestness mark his whole manner, which at once enlist the sympathies of his audience in his favor, and his whole soul seems to be thrown into his subject. His intellectual march is rapid and imposing. Disdaining rhetorical artifice, he pours out masses of thought with wonderful celerity, and in magnificent succession. Though his logic, like that of Demosthenes, is severe, his speeches are never dry, because, he resorts to every topic of moral illustration which is appropriate to the subject. He rarely leaves any thing for the understanding or sensibilities of his hearer to desire; but his style is, nevertheless, concise. It is indeed characteristic both of his eloquence and of his conversation, that he employs as few words in clothing an idea, as are consistent with its graceful expression; and that these words can seldom be changed without injury to the thought. In the use of the pathetic he has, we think, never

been excelled on the floor of congress; and the edge of his satire is keen and resistless. Among the cardinal qualities of his mind, are its originality, its reliance on its own resources, and its "undeceivable and undeceiving sagacity." His temper is warm and generous; and his manners so plainly indicate a high-minded, frank, and honourable spirit, that few men, (however awed by his fame,) have ever been admitted to his acquaintance, without imbibing an attachment to his person, which politicians very rarely inspire. Elevated by the people, he is essentially a republican, and his high endowments have been devoted to their cause. But he has never hesitated to risk even their favor, in support of what he considered principle; and the people have never deserted him.

The department of state, over which Mr. Clay now presides, is known to be, in consequence of the gradual increase of its ordinary business, and of the addition to its diplomatic labor, produced by our new relations to South America, twofold as onerous as it was during the incumbency of his predecessors. The ability with which he administers it is universally admitted; and corroborates an opinion we have always entertained, that if he is admirable for political consistency, he is not less so for intellectual versatility. In England, where the human mind flourishes under the protection of literary institutions, and of a government in which the popular principle is, though slightly, infused, it is uncommon for an individual who has attained eminence in one path of mind, to attempt another with success. Even Erskine, who, as a forensic orator, was unrivalled among his countrymen, sunk into relative insignificance, when brought into collision with the master-spirits of the British parliament. In our own country, examples have indeed existed, and still exist, of men distinguished at the bar, who could engage in political life without a material decrease of reputation. But the instance of Mr. Clay is, we apprehend, the only one presented by the history either of England, or the United States, where the highest fame at the bar, in the senate, and in the cabinet, distinguishes the same individual.

The outlines of Mr. Clay's public life have been sketched in the foregoing memoir with a pen necessarily rapid. It may not be amiss, in conclusion, to point out to public attention with somewhat more distinctness and emphasis, the striking consistency and value of his political services. Great orators are not always useful public men. The laws which govern the motion of genius are not easily discernible; and it too often happens that a mistaken ambition of shining seduces from the sober path of public duty, men who have the capacity of being public benefactors. Such has not been the case with Mr. Clay. It is impossible to look, however superficially, at his political career, without being satisfied, that possessing talents to soar and dazzle, he has always preferred the honest ambition of serving the best interests of his country. From the outset of his life, he appears to have had his eye steadily fixed on principle; and, though never regardless of popular favor, the excitement of the moment seems not to have impeded his course for an instant. In his opposition to the alien and sedition laws, we perceive the first evidence of that sedulous regard for public liberty which has uniformly governed him. He had scarcely taken his seat in congress, when we find him espousing the cause of domestic industry—then but a feeble and sickly infant—but which through his nursing care, with a zeal and constancy which, in earlier times and other countries, would have won for him civic crowns and grateful laurels, has ripened into a broad and successful system, and is destined to enrich and strengthen the country when its opponents are forgotten. Closely connected with this great cause, is that of internal improvement, in which Mr. Clay's exertions have been no less signal and beneficial. He vindicated and established the constitutional right of congress to do this public good; and not content with proving the right, he laboured to direct the practical exercise of it into the safest channels. When foreign outrage left us no alternative than a resort to arms, Mr. Clay was one of the foremost to maintain the dignity and honour of the country. Possessing that "courage of the cabinet"—political intrepidity—which is truly

said to be far nobler and more rare than the courage of the field, he adhered with unabated spirit to the principles with which the contest was begun, through all the vicissitudes of that eventful period, and finally rendered his country the most valuable services in finishing the war, when its causes were withdrawn. The same honest and fearless devotion to his country's true interests, is visible in his public conduct, when the subject of general Jackson's high-handed career in Florida was brought before the house of representatives. Military renown had neither charms nor terror for Mr. Clay. He thought that the constitution of the United States was violated, and the laws of nations and of humanity insulted by the proceedings towards the Spaniards and Indians, and he made manifest the soundness of that opinion, in the speech which forms part of the present collection. It is worthy of remark, that the judgment pronounced by Mr. Clay in 1818, upon general Jackson, was fully sustained and vindicated by him and by congress six years afterwards, when it became necessary to decide between Mr. Adams and the invader of Florida, as candidates for the presidency of the United States.

Mr. Clay's exertions in favor of acknowledging the independence of South America, have been noticed in the preceding sketch. They form one of the brightest pages of his history, and even his political opponents have been forced to admit the purity of his motives, the vigor of his argument, the power of his eloquence, and the sagacity of his counsel. Disdaining to wait for the co-operation of any other power, he was for a magnanimous recognition of a free people so soon as they proved themselves capable of sustaining the burden of government; and in this, and his more recent official labours in respect to the congress of American states at Panama, the reader will perceive another evidence of the admirable consistency of his devotion to public freedom, which shed its first gleams on the cause of emancipation in Kentucky, and by degrees rose into that broad and ardent light which shone out upon surrounding nations, and still continues to animate and guide them.

In a review of Mr. Clay's political, or congressional history, we

ought not to overlook his exertions in support of the great defences of the country. For one of these—the navy—the people of the Atlantic states are under obligations to him—of the extent of which, they are perhaps ignorant. The glory of the navy is national property, but its services are comparatively sectional. It is seen only on the sea-board—with the exception of the country on the lakes—the expenditures for its support are made in the Atlantic cities, and the honors and emoluments belonging to it, fall chiefly on that section of the Union. Hence it has happened, that, although the hearts of the people of the west echoed the plaudits bestowed upon our naval heroes, the popularity of the navy was naturally less decided there than in other parts of the Union. To Mr. Clay's eloquent and earnest exertions, it is mainly owing that the west has lent its united support to the navy. We may refer to his speech on that subject, as one of the manliest and most honorable proceedings of his congressional career.

To conclude this very hasty summary, in which we have been obliged to overlook some important topics—the admirers of Mr. Clay may safely challenge a comparison of that eminent orator and statesman, with any other public man of the age. Powerful talents and commanding eloquence, which distinguish him with many others, are not the features of Mr. Clay's character, upon which posterity will dwell with the most respect. When the factions and the calumnies of the present day are past by, succeeding generations will pronounce a grateful eulogy upon his public services, and rank him among the most distinguished public benefactors. Posterity will then pronounce with equal truth and justice, “During the course of a long and arduous public life, he made his country's interests the end and aim of his exertions. He never sacrificed a principle to secure the favor of a party, or yielded an opinion from the fear of its unpopularity. He sought first and principally the extension of republican freedom, and as the best means of securing it, labored with all the energy of his eloquence, to maintain unimpaired the union of the states. He incorporated himself with no

xx BIOGRAPHICAL SKETCH OF MR. CLAY.

party that regarded the general government in the light of an unwieldy and inert mass powerless of good, but supported the true theory which regards the union as an active and vivifying principle, pervading all sections, cementing them together by the ties of mutual interest and convenience, and availing itself of its great resources to produce the most certain and expeditious communication between them. Finally, and above all, he possessed the firmness to resist the attractions of military glory, and the talent to dispel its delusions, and thus in all human probability, saved the republic from the gulf of a military despotism."

SPEECHES, &c.

ON MANUFACTURES.

Speech in the Senate, upon an amendment proposed to the Bill appropriating a sum of money for procuring munitions of War, and for other purposes, delivered the 6th of April, 1810.

MR. PRESIDENT,

THE local interest of the quarter of the country, which I have the honour to represent, will apologize for the trouble I may give you on this occasion. My colleague has proposed an amendment to the bill before you, instructing the secretary of the navy, to provide supplies of cordage, sail-cloth, hemp, &c. and to give a preference to those of American growth and manufacture. It has been moved by the gentleman from Massachusetts (Mr. Lloyd) to strike out this part of the amendment; and in the course of the discussion which has arisen, remarks have been made on the general policy of promoting manufactures. The propriety of this policy is, perhaps, not very intimately connected with the subject before us; but it is, nevertheless, within the legitimate and admissible scope of debate. Under this impression I offer my sentiments.

In inculcating the advantages of domestic manufactures, it never entered the head, I presume, of any one, to change the habits of the nation from an agricultural to a manufacturing community. No one, I am persuaded, ever thought of converting the plough-share and the sickle into the spindle and the shuttle. And yet this is the delusive and erroneous view too often taken of the subject. The opponents of the manufacturing system transport themselves to the establishments of Manchester and Birmingham, and dwelling on the indigence, vice, and wretchedness prevailing there, by pushing it to an *extreme*, argue that its introduction into this country will necessarily be attended by the

same mischievous and dreadful consequences. But what is the fact? That England is the manufacturer of a great part of the world; and that, even there, the numbers thus employed bear an inconsiderable proportion to the whole mass of population. Were we to become the manufacturers of other nations, effects of the same kind might result. But if we *limit* our efforts, by our own wants, the evils apprehended would be found to be chimerical. The invention and improvement of machinery, for which the present age is so remarkable, dispensing in a great degree with manual labour; and the employment of those persons, who, if we were engaged in the pursuit of agriculture alone, would be either unproductive, or exposed to indolence and immorality, will enable us to supply our wants without withdrawing our attention from agriculture; that first and greatest source of national wealth and happiness. A judicious American farmer, in the household way, manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents in epitome what the nation ought to be *in extenso*. Their manufactories should bear the same proportion, and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing, bears to the whole family. It is certainly desirable that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports—to furnish ourselves with clothing, made by our own industry—and to cease to be dependent, for the very coats we wear, upon a foreign and perhaps inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread.

The fallacious course of reasoning urged against domestic manufactures, namely, the distress and servitude produced by those of England, would equally indicate the propriety of abandoning agriculture itself. Were you to cast your eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, you might thence draw numerous arguments of the kind now under consideration against the pursuits of the husbandman! What would become of commerce, the favorite theme of some gentlemen, if assailed with this sort of weapon? The fraud, perjury, cupidity and corruption with which it is unhappily too often

attended, would at once produce its overthrow. In short, sir, take the black side of the picture and every human occupation will be found pregnant with fatal objections.

The opposition to manufacturing institutions recalls to my recollection the case of a gentleman, of whom I have heard. He had been in the habit of supplying his table from a neighbouring cook, and confectioner's shop, and proposed to his wife a reform, in this particular. She revolted at the idea. The sight of a scullion was dreadful, and her delicate nerves could not bear the clattering of kitchen furniture.—The gentleman persisted in his design; his table was thenceforth cheaper and better supplied, and his neighbour, the confectioner, lost one of his best customers. In like manner Dame Commerce will oppose domestic manufactures. She is a flirting, flippant, noisy jade, and if we are governed by her fantasies, we shall never put off the muslins of India and the cloths of Europe. But I trust that the yeomanry of the country, the true and genuine landlords of this tenement, called the United States, disregarding her freaks, will persevere in reform, until the whole national family is furnished by itself with the clothing necessary for its own use.

It is a subject, no less of curiosity than of interest, to trace the prejudices in favour of foreign fabrics. In our colonial condition, we were in a complete state of dependence on the parent country, as it respected manufactures, as well as commerce. For many years after the war, such was the partiality for her productions, in this country, that a gentleman's head could not withstand the influence of solar heat, unless covered with a London hat—his feet could not bear the pebbles, or frost, unless protected by London shoes—and the comfort or ornament of his person was only consulted when his coat was cut out by the shears of a tailor "just from London." At length, however, the wonderful *discovery* has been made, that it is not absolutely beyond the reach of American skill and ingenuity, to provide these articles, combining with equal elegance, greater durability. And I entertain no doubt, that in a short time, the no less important fact will be developed, that the domestic manufactoryes of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, sir, *for one* (to use the fashionable cant of the day) am in favour of encouraging them,

ON MANUFACTURES.

not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries. There is a pleasure—a pride, (if I may be allowed the expression, and I pity those who cannot feel the sentiment) in being clad in the productions of our own families. Others may prefer the cloths of Leeds and of London, but give me those of Humphreysville.

Aid may be given to native institutions in the form of bounties and of protecting duties. But against bounties, it is urged that you tax the *whole* for the benefit of a *part* only, of the community; and in opposition to duties it is alleged, that you make the interest of one part, the consumer, bend to the interest of another part, the manufacturer. The sufficiency of the answer is not always admitted, that the sacrifice is merely temporary, being ultimately compensated by the greater abundance and superiority of the article produced by the stimulus. But, of all practicable forms of encouragement, it might have been expected that the one under consideration would escape opposition, if every thing proposed in Congress were not doomed to experience it. What is it? The bill contains two provisions—one prospective, anticipating the appropriation for clothing for the army, and the amendment proposes extending it to naval supplies, for the year 1811—and the other, directing a preference to be given to home manufactures, and productions, whenever it can be done *without material detriment to the public service*. The object of the first is to authorize contracts to be made beforehand, with manufacturers, and by making advances to them, under proper security, to enable them to supply the articles wanted, in sufficient quantity. When it is recollect that they are frequently men of limited capitals, it will be acknowledged that this kind of assistance, bestowed with prudence, will be productive of the best results. It is in fact, only pursuing a principle long acted upon, of advancing to contractors with government, on account of the magnitude of their engagements. The appropriation contemplated to be made for the year 1811, may be restricted to such a sum as, whether we have peace or war, we must necessarily expend. The discretion is proposed to be vested in officers of high confidence, who will be responsible for its abuse, and who are enjoined to see that the public service receives no *material detriment*. It is stated that hemp is now very high,

and that contracts, made under existing circumstances, will be injurious to government. But the amendment creates no obligation upon the secretary of the navy, to go into market at this precise moment. In fact, by enlarging his sphere of action, it admits of his taking advantage of a favourable fluctuation, and getting a supply below the accustomed price, if such a fall should occur prior to the usual annual appropriation.

I consider the amendment, under consideration, of the first importance, in point of principle. It is evident that whatever doubt may be entertained, as to the general policy of the manufacturing system, none can exist, as to the propriety of our being able to furnish ourselves with articles of the first necessity, in time of war. Our maritime operations ought not, in such a state, to depend upon the casualties of foreign supply. It is not necessary that they should. With very little encouragement from government, I believe we shall not want a pound of Russia hemp. The increase of the article in Kentucky has been rapidly great. Ten years ago there were but two rope manufactories in the state. Now there are about twenty, and between ten and fifteen of cotton bagging; and the erection of new ones keeps pace with the annual augmentation of the quantity of hemp. Indeed the western country, alone, is not only adequate to the supply of whatever of this article is requisite for our own consumption, but is capable of affording a surplus for foreign markets. The amendment proposed possesses the double recommendation of encouraging, at the same time both the manufacture and the growth of hemp. For by increasing the demand for the wrought article, you also increase the demand for the raw material, and consequently present new incentives to its cultivator.

The three great subjects that claim the attention of the national legislature, are the interests of agriculture, commerce, and manufactures. We have had before us, a proposition to afford a manly protection to the rights of commerce, and how has it been treated? Rejected! You have been solicited to promote agriculture, by increasing the facilities of internal communication, through the means of canals and roads, and what has been done? Postponed!—We are now called upon to give a trifling support to our domestic manufactures, and shall we close the circle of congressional inefficiency, by adding this also to the catalogue?

ON THE LINE OF THE PERDIDO.

Speech in the Senate of the United States, on the subject of the Territory west of the Perdido, delivered 25th December, 1810.

MR. PRESIDENT,

IT would have gratified me if some other gentleman had undertaken to reply to the ingenious argument, which you have just heard. (Speech of Mr. Horsey.) But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwell, to claim your indulgence, whilst I offer my sentiments on this subject, so interesting to the union at large, but especially to the western portion of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which in a question of territorial title, between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favour, made on the floor of the Senate of the United States.

It was to have been expected that in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various arguments. And hence the honourable gentleman from Vermont, entertains doubt with regard to our title against Spain, whilst he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French Republic and the United States, I shall not inquire into the treachery, by which the king of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honourable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido, (which to avoid circumlocution, I will call West Florida, although it is not the whole of it—) and the propriety of the recent measures taken for the occupation of that territory. Our title then depends, first, upon the limits of the province, or colony of Louisiana, and secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it will be proper to take a cursory view of the settlement of the country, because the basis of European title to colonies in America, is prior discovery, or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi, and named the country which it waters, Louisiana. About 1698, D'Iberville discovered by sea, the mouth of the Mississippi, established a colony at the Isle Dauphine, or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed by France, governor of the country. In the year 1717, the famous West India company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville. About the same period, Baloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of government of Louisiana was established there; and in 1736, the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of a nation can furnish: I mean the patent granted in 1712, by Louis XIV, to Crozat—[Here Mr. C. read such parts of the patent as were applicable to the subject.*]

* Extract from the Grant to Crozat, dated at

"Fontainbleau, Sept. 14, 1712.

"Louis, By the grace of God, &c.

"The care we have always had to procure the welfare and advantage of our subjects, having induced us, &c. to seek for all possible opportunities of enlarging and extending the trade of our American colonies, we did, in the year 1683, give our orders to undertake a discovery of the

ON THE LINE OF THE PERDIDO.

According to this document, in describing the province, or colony of Louisiana, it is declared to be bounded by Carolina on the east, and Old and New Mexico on the West. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France at least, unless she has by some convention, or other obligatory act, restricted the Eastern limit of the province. It has, indeed, been asserted that by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the East, and Louisiana on the West; but as I have been unable to find any such treaty, I am induced to doubt its existence.

countries and lands which are situated in the northern part of America, between New France and New Mexico; and the Sieur de la Salle, to whom we committed that enterprise, having had success, enough to confirm a belief that a communication might be settled from *New France to the Gulf of Mexico*, by means of large rivers, this obliged us, immediately after the peace of Ryswick, to give orders for establishing a colony there, and maintaining a garrison, which *has kept and preserved the possession we had taken in the very year 1683*, of the lands, coasts, and islands which are situated in *the Gulf of Mexico between Carolina on the east, and old and new Mexico on the west*. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from *that colony* the advantages that might have been expected from thence, &c. And, whereas, upon the information we have received concerning the disposition and situation of the said countries, *known at present by the name of the Province of Louisiana*, we are of opinion, that there may be established therein considerable commerce, &c. we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, &c. For these reasons, &c. we, by these presents, signed by our hand, have appointed and do appoint the said Sieur Crozat, to carry on a trade in all the lands possessed by us, and bounded by New Mexico and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Louis, heretofore called Mississippi, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missouri, and of St. Jerome, heretofore called Onabache, with all the countries, territories, and lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Louis,

The Articles—1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands be, and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois, be united, &c. to the general government of New France, and become part thereof, &c."

About the same period; to wit, towards the close of the seventeenth century, when France settled the Isle Dauphine, and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements, or conquests, farther west than the bay of Pensacola, whilst those of the French were bounded on the east by the Mobile. Between those two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name, discharges itself into the gulf of Mexico, between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly, appears very early to have been adopted as the boundary by tacit, if not expressed, consent. The ancient charts and historians, therefore, of the country, so represent it. Du-pratz, one of the most accurate historians of the time, in point of fact and detail, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of west Florida, prior to her cession of it to England in 1762. The gentlemen on the other side do not, indeed, strongly controvert, if they do not expressly admit, that Louisiana, as held by the French anterior to her cessions of it in 1762, extended to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the island of New Orleans being particularly mentioned, could not, for that reason, constitute a part of Louisiana; is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety, be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England: From this view of the subject, I think it results that the province of Louisiana comprised West Florida previous to the year, 1762.

What was done with it at this epoch? By a secret convention of the 3d of November, of that year, France ceded

the country lying west of the Mississippi, and the island of New Orleans, to Spain; and by a contemporaneous act, the articles preliminary to the definitive treaty of 1763, she transferred West Florida to England. Thus at the same instant of time, she alienated the whole province. Posterior to this grant, Great Britain having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the events of the war, surrendered the country to Spain, who for the *first* time came into actual possession of West Florida. Well, sir, how does she dispose of it? She re-annexes it to the residue of Louisiana—extends the jurisdiction of that government to it, and subjects the governors, or commandants, of the districts of Baton Rouge, Feliciana, Mobile and Pensacola, to the authority of the governor of Louisiana, residing at New Orleans; while the governor of East Florida is placed wholly without his control, and is made amenable directly to the governor of the Havannah. Indeed, sir, I have been credibly informed that all the concessions, or grants of land, made in West Florida, under the authority of Spain, run in the name of the *government of Louisiana*. You cannot have forgotten that, about the period when we took possession of New Orleans, under the treaty of cession from France, the whole country resounded with the nefarious speculations which were alleged to be making in that city with the connivance, if not actual participation of the Spanish authorities, by the procurement of surreptitious grants of land, particularly in the district of Feliciana. West Florida, then, not only as France had held it, but as it was in the hands of Spain, made a part of the province of Louisiana; as much so as the jurisdiction, or district of Baton Rouge constituted a part of West Florida.

What then is the true construction of the treaties of St. Ildefonso, and of April, 1803, from whence our title is derived? If an ambiguity exist in a grant, the interpretation most favourable to the grantee is preferred. It was the duty of the grantor to have expressed himself in plain and intelligible terms. This is the doctrine, not of Coke only, (whose dicta I admit have nothing to do with the question) but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument

is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts, connected with the case, and a candid appeal to the treaties, are alone sufficient to manifest our right. The negociators of the treaty of 1803, having signed with the same ceremony, two copies, one in English and the other in the French language, it has been contended that in the English version, the term "cede" has been erroneously used instead of "retrocede," which is the expression in the French copy. And it is argued that we are bound by the phraseology of the French copy, because, it is declared that the treaty was agreed to in that language. It would not be very unfair to inquire if this is not like the common case in private life, where individuals enter into a contract of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of Mr. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance on the part of our negotiators of her language. As this, however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the treaty of St. Ildefonso, it is declared by Spain in 1800, that she retrocedes to France, the colony, or province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states. This latter member of the description has been sufficiently explained by my colleague.

It is said that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New-Orleans, the retrocession comprehended no more—that the retrocession *ex vi termini* was commensurate with and limited by the direct cession from France to Spain. If this

were true, then the description, such as Spain held it, that is in 1800, comprising West Florida, and such as France possessed it, that is in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession, contended for by the other side is denied. It does not exclude the instrumentality of a third party. It means restoration, or re-conveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored must have come to the restoring party from the party to whom it is retroceded; whether directly or indirectly is wholly immaterial. In its passage it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case: You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument I re-convey, or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate or my moiety only? Let me indulge another supposition—that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it and called it West Florida—would that circumstance vary the operation of my act of retrocession to you? The case supposed is in truth the real one between the United States and Spain. France in 1762, transfers Louisiana, west of the Mississippi to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty-one years after, that is in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain then held the whole of Louisiana *under* France and in virtue of the title of France. The whole moved or passed from France to her. When therefore, in this state of things, she says, in the treaty of St. Ildefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France had and she herself possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire if the proclamation of the President directing the occupation of property, which is thus fairly acquired by solemn treaty, be an unauthorized measure of war and of legislation, as has been contended?

The act of October, 1803, contains two sections, by one of which the President is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the President to establish a provisional government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of Congress. The act therefore of March, 1804, declaring that the previous act of October should continue in force until the 1st of October, 1804, is applicable to the second and not the first section, and was intended to continue the provisional government of the President. By the act of 24th February, 1804, for laying duties on goods imported into the ceded territories, the President is empowered whenever he deems it expedient to erect the bay and river Mobile, &c. into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans territory is laid off, and its boundaries are so defined as to comprehend West Florida. By other acts the President is authorized to remove by force, under certain circumstances, persons settling on, or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the treaty, corresponding with that given by the Executive, and they indisputably vest in this branch of the general government the power to take possession of the country, whenever it might be proper in his discretion. The President has not therefore violated the constitution and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forborn to act. It is urged that he has assumed powers belonging to congress in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans territory. But congress, as has been shown, has already made this annexation, the limits of the Orleans territory, as prescribed by congress, comprehending the country in question. The President by his proclamation, has not made law, but has merely

declared to the people of West Florida, what the law is. This is the office of a proclamation, and it was highly proper that the people of that territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain, or the revolutionists ceased to exist; and the laws of the Orleans territory, applicable to the country, by the operation and force of law attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity therefore required, should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself for the exercise of the discretionary power placed in the President, and had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It cannot be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense extent of country belonging to the United States, and watered by streams discharging themselves into the gulf of Mexico—that is one-third, nay, more than two-thirds of the United States, comprehending Louisiana, are placed at the mercy of that power. The possession of Florida is a guarantee absolutely necessary to the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country to which we are fairly entitled. If the wrongful occupants under the authority of Spain assail our troops, I trust they will retrieve the lost honour of the nation in the case of the Chesapeake. Suppose an attack upon any portion of the American army within the acknowledged limits of the United States by a Spanish force? In such event there would exist but a single honourable and manly course. The gentleman conceives it ungenerous, that we should at this moment, when Spain is encompassed and pressed on all sides by the immense power of her enemy, occupy West Florida. Shall we sit by passive spectators, and witness the interesting transactions of that country—transactions which tend in the most imminent degree, to jeopardize our rights; without attempting to interfere? Are you prepared to see a foreign power seize

what belongs to us? I have heard in the most credible manner that, about the period when the President took his measures in relation to that country, agents of a foreign power were intriguing with the people there, to induce them to come under his dominion: but whether this be the fact or not, it cannot be doubted, that if you neglect the present auspicious moment—if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority in a colony adjacent to us, and there exists in it a state of misrule and disorder, menacing our peace, and if moreover such colony, by passing into the hands of any other power, would become dangerous to the integrity of the union, and manifestly tend to the subversion of our laws; we have a right upon the eternal principles of self-preservation, to lay hold upon it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it, our title being in my judgment incontestably good. We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged by her connexion with that country, to take part with her against us, and to consider this measure of the President as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting His Britannic Majesty? Is the rod of British power to be forever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the President refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea or attempt their maintenance by

land—whethersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonourable repeal which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida to commence war upon us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights. I do not believe, however, in the prediction, that war will be the effect of the measure in question.

It is asked, why, some years ago, when the interruption of the right of deposit took place at New Orleans, the government did not declare war against Spain, and how it has happened that there has been this long acquiescence in the Spanish possession of West Florida? The answer is obvious. It consists in the genius of the nation which is prone to peace, in that desire to arrange, by friendly negociation, our disputes, with all nations; which has constantly influenced the present and preceding administration; and in the jealousy of armies, with which we have been inspired by the melancholy experience of free estates. But a new state of things has arisen: negociation has become hopeless. The power with whom it was to be conducted, if not annihilated, is in a situation that precludes it; and the subject matter of it is in danger of being snatched forever from our power. Longer delay would be construed into a dereliction of our right, and would amount to treachery to ourselves. May I ask, in my turn, why certain gentlemen, now so fearful of war, were so urgent for it with Spain when she withheld the right of deposit? and still later, when in 1805 or 6 this very subject of the actual limits of Louisiana, was before congress? I will not say, because I do not know that I am authorised to say, *that the motive is to be found in the change of relation between Spain and other European powers, since those periods.*

Does the honourable gentleman from Delaware really believe that he finds in St. Domingo a case parallel with that of West Florida? and that our government, having inter-

dicted an illicit commerce with the former, ought not to have interposed in relation to the latter? It is scarcely necessary to consume your time by remarking that we had no pretensions to that island; that it did not menace our repose, nor did the safety of the United States require that they should occupy it. It became, therefore, our duty to attend to the just remonstrance of France against American citizens, supplying the rebels with the means of resisting her power.

I am not, sir, in favour of cherishing the passion of conquest. But I must be permitted, in conclusion, to indulge the hope of seeing, ere long, the *new* United States (if you will allow me the expression) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories of the north of us also.

ON THE BANK CHARTER.

Speech on the question of renewing the charter of the Bank of the United States, delivered in the Senate, 1811.

MR. PRESIDENT,

When the subject involved in the motion now under consideration was depending before the other branch of the legislature a disposition to acquiesce in their decision was evinced. For although the committee who reported this bill had been raised many weeks prior to the determination of that house on the proposition to re-charter the bank, except the occasional reference to it of memorials and petitions, we scarcely ever heard of it. The rejection, it is true, of a measure brought before either branch of congress does not absolutely preclude the other from taking up the same proposition; but the economy of our time, and a just deference for the opinion of others, would seem to recommend a delicate and cautious exercise of this power. As this subject, at the memorable period when the charter was granted, called forth the best talents of the nation—as it has, on various occasions, undergone the most thorough investigation, and as we can hardly expect that it is susceptible of receiving any further elucidation, it was to be hoped that we should have been spared useless debate. This was the more desirable because there are, I conceive, much superior claims upon us for every hour of the small portion of the session yet remaining to us. Under the operation of these motives, I had resolved to give a silent vote, until I felt myself bound, by the defying manner of the arguments advanced in support of the renewal, to obey the paramount duties I owe my country and its constitution; to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law. After my honourable friend from Virginia (Mr. Giles) had instructed and amused us with the very able and ingenious argument which he delivered on yesterday I should have still forborne to trespass on the senate but for the extraordinary character of his speech. He discussed both sides of the question with great ability and eloquence and certainly demonstrated to the satisfaction of all who heard him both that it was constitutional and unconstitutional, highly proper and improper to

prolong the charter of the bank. The honourable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook in one instance the side of the cause in which he was retained, and addressed the court and jury in a very masterly and convincing speech in behalf of his antagonist. His distracted client came up to him whilst he was thus employed, and interrupting him, bitterly exclaimed, "you have undone me! You have ruined me!"—"Never mind, give yourself no concern," said the adroit advocate; and turning to the court and jury, continued his argument by observing, "may it please your honors, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may urge on his side. I will now show you how fallacious his reasoning and groundless his pretensions are." The skilful orator proceeded, satisfactorily refuted every argument he had advanced, and gained his cause! A success with which I trust the exertion of my honourable friend will on this occasion be crowned.

It has been said by the honourable gentleman from Georgia (Mr. Crawford) that this has been made a party question although the law incorporating the bank was passed prior to the formation of parties and when congress was not biassed by party prejudices. (Mr. Crawford explained. He did not mean that it had been made a party question in the senate. His allusion was elsewhere.) I do not think it altogether fair to refer to the discussions in the house of representatives, as gentlemen belonging to that body have no opportunity of defending themselves here. It is true that this law was not the effect, but it is no less true that it was one of the causes of the political divisions in this country. And, if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles? Where is the Macedonian phalanx, the opposition in congress? I believe, sir, I shall not incur the charge of presumptuous prophecy, when I predict we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?

I shall not stop to examine how far a representative is bound by the instructions of his constituents. That is a question between the giver and receiver of the instructions. But I must be permitted to express my surprise at the pointed difference which has been made between the opinions and instructions of state legislatures, and the opinions and details of the deputations with which we have been surrounded from Philadelphia. Whilst the resolutions of those legislatures--known, legitimate, constitutional and deliberative bodies--have been thrown into the back ground, and their interference regarded as officious, these delegations from self-created societies, composed of nobody knows whom, have been received by the committee with the utmost complaisance. Their communications have been treasured up with the greatest diligence. Never did the Delphic priests collect with more holy care the frantic expressions of the agitated Pythia, or expound them with more solemnity to the astonished Grecians, than has the committee gathered the opinions and testimonies of these deputies, and, through the gentleman from Massachusetts, pompously detailed them to the senate! Philadelphia has her immediate representatives, capable of expressing her wishes upon the floor of the other house. If it be improper for states to obtrude upon congress their sentiments, it is much more highly so for the unauthorized deputies of fortuitous congregations.

The first singular feature that attracts attention in this bill is the new and unconstitutional veto which it establishes. The constitution has required only, that after bills have passed the house of representatives and the senate, they shall be presented to the president for his approval or rejection, and his determination is to be made known in ten days. But this bill provides, that when all the constitutional sanctions are obtained, and when according to the usual routine of legislation it ought to be considered as a law, it is to be submitted to a new branch of the legislature, consisting of the president and twenty-four directors of the bank of the United States, holding their sessions in Philadelphia, and if they please to approve it, why then is it to become a law! And three months (the term allowed by our law of May last, to one of the great belligerents for revoking his edicts, after the other shall have repealed his) are granted them to decide whether an act of congress shall be the law of the land or not! An act which is said to be in-

dispensibly necessary to our salvation, and without the passage of which universal distress and bankruptcy are to pervade the country. Remember, sir, that the honourable gentleman from Georgia has contended that this charter is no contract. Does it then become the representatives of the nation to leave the nation at the mercy of a corporation? Ought the impending calamities to be left to the hazard of a contingent remedy?

This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been at length located by the gentleman from Georgia on that provision which authorizes congress to lay and collect taxes, &c. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here it disappears, and shows itself under the grant to coin money. The sagacious secretary of the treasury in 1791 pursued the wisest course —he has taken shelter behind general high sounding and imposing terms. He has declared, in the preamble to the act establishing the bank that it will be very *conducive* to the successful *conducting* of the national *finances*; will *tend* to give *facility* to the obtaining of loans, and will be *productive* of considerable advantage to *trade* and *industry* in general. No allusion is made to the collection of taxes. What is the nature of this government? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferrable by mere implication. It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power we have seen an East India company created, which has carried dismay, desolation and death, throughout one of the largest portions of the habitable world. A company which is in itself, a sovereignty—which has subverted empires and set up new dynasties—and has not only made war, but war against its legitimate sovereign! Under the influence of this power, we have seen arise a South Sea

company and a Mississippi company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the constitution to doubtful inference? It has been alleged that there are many instances, in the constitution, where powers in their nature incidental, and which would have necessarily been vested along with the principal, are nevertheless expressly enumerated; and the power "to make rules and regulations for the government of the land and naval forces," which it is said is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the constitution. If then you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery, worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said that the great luminary of day is an accessory, a satellite to the humblest star that twinkles forth its feeble light in the firmament of Heaven!

Suppose the constitution had been silent as to an individual department of this government, could you under the power to lay and collect taxes establish a judiciary? I presume not; but if you could derive the power by mere implication could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself

throughout society, and to influence all the great operations of credit, circulation and commerce. Like the Virginia justice, you tell the man, whose turkey had been stolen, that your books of precedents furnish no form for his case, but then you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount—to emit paper—to regulate commerce, &c. No! Our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, whilst occupied with that you may do whatever else you please!

What is a corporation such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions and surrounded by immunities and privileges. The honorable gentleman from Massachusetts (Mr. Lloyd) has said that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the government being pledged that no other bank should be authorized during its existence. This objection he supposes is obviated by the bill under consideration; but all corporations enjoy exclusive privileges—that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend that the states have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If congress have the power to erect an artificial body and say it shall be endowed with the attributes of an individual—if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of state rights, confer upon slaves, infants and feme covert the ability to contract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations. You establish one in the heart of a state, the basis of whose capital is money. You may erect others whose capital shall consist of land, slaves and personal estates, and thus the whole property within the jurisdiction of a state might be absorbed by these political bodies. The existing

bank contends that it is beyond the power of a state to tax it, and if this pretension be well founded, it is in the power of congress, by chartering companies to dry up all the sources of state revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction, but this law, now under a course of litigation, is considered as invalid. The United States own a great deal of land in the state of Ohio; can this government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, I believe, in that state, to hold real estate—could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will hardly be insisted upon; and yet there exists a more obvious connexion between the undoubted power, which is possessed by this government, to sell its land, and the means of executing that power by increasing the demand in the market, than there is between this bank and the collection of a tax. This government has the power to levy taxes—to raise armies—provide a navy—make war—regulate commerce, coin money, &c. &c. It would not be difficult to show as intimate a connexion between a corporation, established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.

Let us inquire into the actual participation of this bank in the collection of the revenue. Prior to the passage of the act of 1800, requiring the collectors of those ports of entry at which the principal bank, or any of its offices are situated, to deposit with them the custom-house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the period to which the existence of this institution was limited, it was nowise instrumental in the collection of that revenue, to which it is now become indispensable! The collection previous to 1800, was made entirely by the collectors; and even at present, where there is one port of entry, at which this bank is employed, there are eight or ten at which the collection is made as it was before 1800. And sir, what does this bank or its branches where resort is had to it? It does not adjust with the merchant the amount of duty, nor take his bond, nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact it has no active agency whatever in the collection. Its operation is merely passive; that is, if the

obligor, after his bond is placed in the bank, discharges it, all is very well. Such is the mighty aid afforded by this tax-gatherer, without which the government cannot get along! Again, it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is, duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the former did not obtain the same indulgence which the merchant receives in paying duties. But what obliges congress to give credit at all? Could it not demand prompt payment of the duties? And, in fact, does it not so demand in many instances? Whether credit is given or not is a matter merely of discretion. If it be a facility to mercantile operations, (as I presume it is) it ought to be granted. But I deny the right to engraft upon it a bank, which you would not otherwise have the power to erect. You cannot *create the necessity* of a bank, and then plead *that necessity* for its establishment. In the administration of the finances, the bank acts simply as a payer and receiver. The secretary of the treasury has money in New York, and wants it in Charleston; the bank will furnish him with a check, or bill, to make the remittance, which any merchant would do just as well.

I will now proceed to show by fact, actual experience, not theoretic reasoning, but by the records themselves of the treasury, that the operations of that department may be as well conducted without as with this bank. The delusion has consisted in the use of certain high sounding phrases, dexterously used on the occasion—"the collection of the revenue"—"the administration of the finance"—"the conducting of the fiscal affairs of the government," the usual language of the advocates of the bank, extort express assent, or awe into acquiescence, without inquiry or examination into its necessity. About the commencement of this year there appears, by the report of the secretary of the treasury, of the 7th of January, to have been a little upwards of two millions and four hundred thousand dollars in the treasury of the United States; and more than one-third of this whole sum was in the vaults of local banks. In several instances where opportunities existed of selecting the bank, a preference has been given to the state bank, or at least a portion of the deposits has been made with it. In

New York, for example, there was deposited with the Manhattan bank \$188,670, although a branch bank is in that city. In this district, \$115,080 were deposited with the bank of Columbia, although here also is a branch bank, and yet the state banks are utterly unsafe to be trusted! If the money, after the bonds are collected is thus placed with these banks, I presume there can be no difficulty, in placing the bonds themselves there, if they must be deposited with some bank for collection, which I deny.

Again, one of the most important and complicated branches of the treasury department, is the management of our landed system. The sales have in some years, amounted to upwards of half a million of dollars, are generally made upon credit, and yet no bank whatever is made use of to facilitate the collection. After it is made, the amount in some instances, has been deposited with banks, and, according to the secretary's report which I have before adverted to, the amount so deposited, was in January, upwards of three hundred thousand dollars, not one cent of which was in the vaults of the bank of the United States, or in any of its branches, but in the bank of Pennsylvania, its branch at Pittsburgh, the Marietta bank, and the Kentucky bank. Upon the point of responsibility, I cannot subscribe to the opinion of the secretary of the treasury, if it is meant that the ability to pay the amount of any deposits which the government may make, under any exigency, is greater than that of the state banks; that the accountability of a ramified institution, whose affairs are managed by a single head, responsible for all its members, is more simple than that of a number of independent and unconnected establishments, I shall not deny; but, with regard to safety, I am strongly inclined to think it is on the side of the local banks. The corruption or misconduct of the parent, or any of its branches, may bankrupt or destroy the whole system, and the loss of the government in that event, will be of the deposits made with each; whereas, in the failure of one state bank the loss will be confined to the deposit in the vault of that bank. It is said to have been a part of Burr's plan to seize on the branch bank at New Orleans. At that period large sums, imported from La Vera Cruz, are alledged to have been deposited with it, and if the traitor had accomplished the design, the bank of the United States, if not actually bankrupt, might have been constrained to stop payment.

It is urged by the gentleman from Massachusetts, (Mr. Lloyd,) that as this nation advances in commerce, wealth, and population, new energies will be unfolded, new wants and exigences will arise, and hence he infers that powers must be implied from the constitution. But, sir, the question is, shall we stretch the instrument to embrace cases not fairly within its scope, or shall we resort to that remedy, by amendment, which the constitution prescribes?

Gentlemen contend that the construction which they give to the constitution has been acquiesced in by all parties and under all administrations; and they rely particularly on an act which passed in 1804, for extending a branch to New Orleans; and another act of 1807, for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed no doubt upon the recommendation of the treasury department, I would remark, that it was the extension of a branch to a territory over which congress possesses the power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted. As to the other act, it was passed no less for the benefit of the community than the bank—to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire what they would have had those to do, who believed the establishment of a bank an encroachment upon state rights? Were they to have resisted, and how? By force? Upon the change of parties in 1800, it must be well recollected that the greatest calamities were predicted as a consequence of that event. Intentions were ascribed to the new occupants of power, of violating the public faith, and prostrating national credit. Under such circumstances that they should act with great circumspection, was quite natural. They saw in full operation a bank, chartered by a congress who had as much right to judge of their constitutional powers as their successors. Had they revoked the law which gave it existence, the institution would, in all probability, continued to transact business notwithstanding. The judiciary would have been appealed to, and from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding legislature.

And, sir, what a scene of confusion would such a state of things have presented—an act of congress, which was law in the statute book, and a nullity on the judicial records! was it not the wisest to wait the natural dissolution of the corporation rather than accelerate that event by a repealing law involving so many delicate considerations?

When gentlemen attempt to carry this measure upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice, the utility of uniform decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation and administration of the law this practice is wise, and proper, and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far otherwise when applied to the source of legislation. Here no rule exists but the constitution, and to legislate upon the ground merely that our predecessors thought themselves authorized, under similar circumstances to legislate, is to sanctify error and perpetuate usurpation. But if we are to be subjected to the trammels of precedent, I claim on the other hand, the benefit of the restrictions under which the intelligent judge cautiously receives them. It is an established rule that to give to a previous adjudication any effect, the mind of the judge who pronounced it must have been awakened to the subject, and it must have been a deliberate opinion formed after full argument. In technical language, it must not have been *sub silentio*. Now the acts of 1804 and 1807, relied upon as pledges for the rechartering this company, passed not only without any discussions whatever of the constitutional power of congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the senate when the latter law passed, probably voted for it, and I declare with the utmost sincerity that I never once thought of that point, and I appeal confidently to every honorable member who was then present, to say if that was not his situation.

This doctrine of precedents, applied to the legislature, appears to me to be fraught with the most mischievous consequences. The great advantage of our system of government over all others, is, that we have a *written* constitution defining its limits, and prescribing its authorities; and that, however, for a time, faction may convulse the nation, and

passion and party prejudice sway its functionaries, the season of reflection will recur, when calmly retracing their deeds, all aberrations from fundamental principle will be corrected. But once substitute *practice* for principle—the exposition of the constitution for the text of the constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended constitution of England:—and must be sought for in the statute book, in the fugitive journals of congress, and in reports of the secretary of the treasury! What would be our condition if we were to take the interpretations given to that sacred book, which is, or ought to be, the criterion of our faith, for the book itself? We should find the Holy Bible buried beneath the interpretations, glosses, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin, than of a vindictive spirit of hostility towards each other! They ought to afford us a solemn warning to make that constitution which we have sworn to support, our invariable guide.

I conceive then, sir, that we were not empowered by the constitution, nor bound by any practice under it, to renew the charter of this bank, and I might here rest the argument. But as there are strong objections to the renewal on the score of expediency, and as the distresses which will attend the dissolution of the bank, have been greatly exaggerated, I will ask for your indulgence for a few moments longer. That some temporary inconvenience will arise, I shall not deny; but most groundlessly have the recent failures in New York been attributed to the discontinuance of this bank. As well might you ascribe to that cause the failures of Amsterdam and Hamburg, of London and Liverpool. The embarrassments of commerce—the sequestrations in France—the Danish captures—in fine, the belligerent edicts are the obvious sources of these failures. Their immediate cause is the return of bills upon London, drawn upon the faith of unproductive or unprofitable shipments. Yes, sir, the protests of the notaries of London, not those of New York, have occasioned these bankruptcies.

The power of a nation is said to consist in the sword and the purse. Perhaps at last all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is

estimated by some calculators at ten millions of dollars, and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body, who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government—would not the traitor first aim by force or corruption to acquire the treasure of this company? Look at it in another aspect. Seven-tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue, have produced the downfall of almost every free government that has hitherto existed; and yet, gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use, without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic, will have a proportionate influence. It is argued, that our possession of this English capital gives us a great influence over the British government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better at once exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the reasoning of the gentlemen on the other side. But let us put aside this theory and appeal to the decisions of experience. Go to the other side of the Atlantic and see what has been achieved for us there by Englishmen holding seven-tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman bleeding under British oppression? Did it pre-

vent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the orders in council —those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure, that on this side of the water, it has had no effect favourable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty—and may it not have contributed to blunt the public sentiment, or paralyse the efforts of this nation against British aggression.

The duke of Northumberland is said to be the most considerable stockholder in the bank of the United States. A late lord chancellor of England, besides other noblemen, was a large stockholder. Suppose the prince of Essling, the duke of Cadore and other French dignitaries owned seven-eights of the capital of this bank, should we witness the same exertions (I allude not to any made in the senate) to recharter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall therefore give my most hearty assent to the motion for striking out the first section of the bill.

AUGMENTATION OF MILITARY FORCE.

Speech on the bill for raising an additional Military Force, delivered in the House of Representatives, in committee of the whole, 31st December, 1811.

Mr. Clay (the speaker) said, that when the subject of this bill was before the house in the abstract form of a resolution proposed by the committee of foreign relations, it was the pleasure of the House to discuss it whilst he was in the chair. He did not complain of this course of proceeding; for he did not at any time wish the house, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance as an apology for the trouble he was about to give the committee. He was at all times disposed to take his share of responsibility, and under this impression he felt that he owed it to his constituents and to himself, before the committee rose, to submit to their attention a few observations.

He saw with regret a diversity of opinion amongst those who had the happiness generally to act together, in relation to the quantum of force proposed to be raised. For his part, he thought it was too great for peace, and he feared too small for war. He had been in favor of the number recommended by the Senate, and he would ask gentlemen, who had preferred 15,000, to take a candid and dispassionate view of the subject. It was admitted, on all hands, that it was a force to be raised for the purposes of war, and to be kept up and used only in the event of war. It was further conceded, that its principal destination would be the provinces of our enemy. By the bill which had been passed, to complete the peace establishment, we had authorized the collection of a force of about 6000 men, exclusive of those now in service, which, with the 25,000 provided for by this bill, will give an aggregate of new troops of 31,000 men. Experience, in military affairs, has shown, that when any given number of men is authorized to be raised, you must, in counting upon the effective men which it will produce, deduct one-fourth or one-third for desertion, sickness and other incidents to which raw troops are peculiarly exposed.

In measures relating to war, it is wisest, if you err at all, to err on the side of the largest force, and you will consequently put down your 31,000 men at not more than an effective force in the field of about 21,000. This with the 4,000 now in service, will amount to 25,000 effective men. The secretary of war has stated, in his report, that for the single purpose of manning your forts and garrisons on the sea-board 12,600 men are necessary. Although the whole of that number will not be taken from the 25,000, a portion of it, probably, will be. We are told that in Canada there are between 7 and 8000 regular troops. If it is invaded the whole of that force will be concentrated in Quebec, and would you attempt that almost impregnable fortress with less than double the force of the besieged. Gentlemen who calculate upon volunteers as a substitute for regulars, ought not to deceive themselves. No man appreciated higher than he did the spirit of the country. But, although volunteers were admirably adapted to the first operations of the war, to the making of a first impression, he doubted their fitness for a regular siege, or for the manning and garrisoning of forts. He understood it was a rule, in military affairs, never to leave in the rear a place of any strength undefended. Canada is invaded; the upper part falls, and you proceed to Quebec. It is true there would be no European army behind to be apprehended; but the people of the country might rise; and he warned gentlemen who imagined that the affections of the Canadians were with us against trusting too confidently on such a calculation, the basis of which was treason. He concluded, therefore, that a portion of the invading army would be distributed in the upper country, after its conquest, amongst the places susceptible of military strength and defence. The army, considerably reduced, sets itself down before Quebec. Suppose it falls. Here again will be required a number of men to hold and defend it. And if the war be prosecuted still farther, and the lower country and Halifax be assailed, he conceived it obvious that the whole force of 25,000 men would not be too great.

The difference between those who were for 15,000, and those who were for 25,000 men, appeared to him to resolve itself into the question merely of a short or protracted war—a war of vigor—or a war of languor and imbecility. If a competent force be raised in the first instance, the war on the continent will be speedily terminated. He was aware

that it might still rage on the ocean. But where the nation could act with unquestionable success he was in favour of the display of an energy correspondent to the feelings and spirit of the country. Suppose one-third of the force he had mentioned (25,000 men,) could reduce the country, say in three years, and that the whole could accomplish the same object in one year; taking into view the greater hazard of the repulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States: our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded they would see that a regular force of 25,000 men was not much too great during a period of war, if all designs of invading the provinces of the enemy were abandoned.

Mr. C. proceeded next to examine the nature of the force contemplated by the bill. It was a regular army, enlisted for a limited time, raised for the sole purpose of war, and to be disbanded on the return of peace. Against this army all our republican jealousies and apprehensions are attempted to be excited. He was not the advocate of standing armies; but the standing armies which excite most his fears, are those which are kept up in time of peace. He confessed he did not perceive any real source of danger in a military force of 25,000 men in the United States, provided only for a state of war, even supposing it to be corrupted and its arms turned by the ambition of its leaders against the freedom of the country. He saw abundant security against the success of any such treasonable attempt. The diffusion of political information amongst the great body of the people constituted a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose have united in depreciating it. It is true that we do not exhibit as many signal instances of scientific acquirement in this country as are furnished in the world; but he believed it undeniable that the great mass of the people possessed more intelligence than any other people on the globe. Such a people consisting of upwards of seven millions, affording a physical power of about a million of men, capable of bearing arms, and ardently devoted to liberty, could not be subdued by an army of 25,000 men.

The wide extent of country over which we are spread was another security. In other countries, France and England for example, the fall of Paris or London is the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, might be subdued by an usurper, and he would have made but a small advance in the accomplishment of his purpose. He would add a still more improbable supposition, that the country east of the Allegany was to submit to the ambition of some daring chief, and, he insisted, that the liberty of the Union would be still unconquered. It would find successful support from the west. We are not only in the situation just described, but a great portion of the militia—nearly the whole, he understood, of that of Massachusetts—have arms in their hands; and he trusted in God that that great object would be persevered in until every man in the nation could proudly shoulder the musket which was to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our constitution is subverted. Such a people have nothing to fear from a petty contemptible force of 25,000 regulars.

Mr. C. proceeded more particularly to inquire into the object of the force. That object, he understood distinctly to be war, and war with Great Britain. It had been supposed by some gentlemen improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject in its nature incapable of concealment. Even in countries where the powers of government were conducted by a single ruler, it was almost impossible for that ruler to conceal his intentions when he meditates war. The assembling of armies—the strengthening of posts—all the movements preparatory to war, and which it is impossible to disguise, unfolded the intentions of the sovereign. Does Russia or France intend war, the intention is almost invariably known before the war is commenced. If congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we cannot suppose England would be so blind as not to see that she was aimed at. Nor could she, did

he apprehend, injure us more by thus knowing our purposes than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is in fact doing, and she can add but little to the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her.

What are we to gain by the war, has been emphatically asked. In reply, he would ask, what are we not to lose by peace? Commerce, character, a nation's best treasure, honor! If pecuniary considerations alone are to govern, there is sufficient motive for the war. Our revenue is reduced by the operation of the belligerent edicts to about six millions of dollars, according to the secretary of the treasury's report. The year preceding the embargo it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing therefore in peace, (if the mongrel state in which we are deserve that denomination,) we lose annually in revenue alone, ten millions of dollars. Gentlemen will say, repeal the law of non-importation. He contended that if the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which those orders prevent, inevitable ruin would ensue, if we imported as freely as we did prior to the embargo. A nation that carries on an import trade without an export trade to support it must, in the end, be as certainly bankrupt, as the individual would be, who incurred an annual expenditure without an income.

He had no disposition to magnify, or dwell upon the catalogue of injuries we had received from England. He could not, however, overlook the impression of our seamen; an aggression upon which he never reflected without feelings of indignation, which would not allow him appropriate language to describe its enormity. Not content with seizing upon all our property which falls within her rapacious grasp, the personal rights of our countrymen—rights which forever ought to be sacred, are trampled upon and violated. The orders in council were pretended to have been reluctantly adopted as a measure of retaliation. The French decrees, their alleged basis, are revoked. England resorts to the expedient of denying the fact of the revocation, and Sir William Scott, in the celebrated case of Fox and others, suspends judgment that proof may be adduced of it. At

the same moment when the British ministry, through that judge, is thus affecting to controvert that fact, and to place the release of our property upon its establishment, instructions are prepared for Mr. Foster to meet at Washington the very revocation which they were contesting. And how does he meet it? By fulfilling the engagement solemnly made to rescind the orders? No, sir, but by demanding that we shall secure the introduction into the continent of British manufactures?

England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If indeed the aim of the French emperor be universal dominion (and he was willing to allow it to the argument) how much nobler a cause is presented to British valor! But how is her philanthropic purpose to be achieved? By a scrupulous observance of the rights of others; by respecting that code of public law which she professes to vindicate—and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited—conjured to drink the portion of British poison actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor and disgrace—to bow the neck to royal insolence, as a course of preparation for manly resistance to gallic invasion! What nation, what individual was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, for the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her councils, her monarch would not be now a miserable captive in Marseilles. Let us come home to our own history; it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It was, beyond the petty taxes with

which it commenced, a long train of oppressive measures terminating in the total annihilation of liberty, and contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which he was sorry to say exhibited, in appearance at least, a different kind of spirit. He did not wish to view the past further than to guide us for the future. We were but yesterday contending for the indirect trade—the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade—the right to export our cotton, tobacco and other domestic produce to market. Yield this point, and to-morrow intercourse between New York and New Orleans—between the planters on James river and Richmond will be interdicted. Far, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say that this government is unfit for any war, but a war of invasion. What, is it not equivalent to invasion if the mouths of our harbours and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly sculk within the cells of the castle.

He contended that the real cause of British aggression, was not to distress an enemy, but to destroy a rival. A comparative view of our commerce with England and the continent, would satisfy any one of the truth of this remark. Prior to the embargo, the balance of trade between this country and England was between eleven and fifteen millions of dollars in favour of England. Our consumption of her manufactures was annually increasing, and had risen to nearly fifty millions of dollars. We exported to her what she most wanted, provisions and raw materials for her manufactures, and received in return what she was most desirous to sell. Our exports to France, Holland, Spain and Italy, taking an average of the years, 1802, 3, and 4, amounted to about \$12,000,000 of domestic, and about \$18,000,000 of foreign produce. Our imports from the same countries amounted to about \$25,000,000. The foreign produce exported consisted chiefly of luxuries from the West Indies. It is apparent that this trade, the balance of which was in favor not of France but of the United States, was not of very vital consequence to the enemy of England. Would she,

therefore, for the sole purpose of depriving her adversary of this commerce, relinquish her valuable trade with this country, exhibiting the essential balance in her favor—nay more, hazard the peace of the country? No, sir, you must look for an explanation of her conduct in the jealousies of a rival. She sickens at your prosperity, and beholds in your growth—your sails spread on every ocean, and your numerous seamen, the foundations of a power which, at no very distant day, is to make her tremble for her naval superiority. He had omitted before to notice the loss of our seamen, if we continued in our present situation. What would become of the 100,000 (for he understood there was about that number) in the American service? Would they not leave us and seek employment abroad, perhaps in the very country that injures us?

It is said that the effect of the war at home, will be a change of those who administer the government, who will be replaced by others that will make a disgraceful peace. He did not believe it. Not a man in the nation could really doubt the sincerity with which those in power have sought, by all honorable and pacific means, to protect the interests of the country. When the people saw exercised towards both belligerents the utmost impartiality, witnessed the same equal terms tendered to both; and beheld the government successively embracing an accommodation with each in exactly the same spirit of amity, he was fully persuaded, now that war was the only alternative left to us by the injustice of one of the powers, that the support and confidence of the people would remain undiminished. He was one, however, who was prepared (and he would not believe that he was more so than any other member of the committee) to march on in the road of his duty at all hazards. What! shall it be said that our *amor patris* is located at these desks—that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? Whilst the heroic Daviess and his gallant associates, exposed to all the dangers of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?

He concluded, by hoping that his remarks had tended to prove that the quantum of the force required was not too great—that in its nature it was free from the objections urged against it, and that the object of its application was one imperiously called for by the present peculiar crisis.

INCREASE OF THE NAVY.

Speech on the Navy Bill, delivered in the House of Representatives, January 22, 1812.

Mr. Clay (the speaker,) rose to present his views on the bill before the committee. He said as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the committee a few moments, while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had hitherto been conducted. It was honourable to the house, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present government. On the one hand, there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of congress has been invited to this subject by the president, in his message delivered at the opening of the session. Indeed, had it been wholly neglected by the chief magistrate, from the critical situation of the country, and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. Clay, the president in his message observes: "Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature or may not at once be attainable?" The president, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing effect; and the pro-

priety of laying up imperishable materials, was no doubt suggested for the purpose of making additions to the navy, as convenience and exigences might direct.

It appeared to Mr. C. a little extraordinary that so much, as it seemed to him, unreasonable jealousy should exist against the naval establishment. If, said he, we look back to the period of the formation of the constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of congress, the convention manifested much greater apprehension of abuse in the power given to raise armies, than in that to provide a navy. In reference to the navy, congress is put under no restrictions; but with respect to the army—that description of force which has been so often employed to subvert the liberties of mankind—they are subjected to limitations designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations had navies, and notwithstanding were finally destroyed. But have they shown by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted even to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together—a very logical mode of reasoning, it must be admitted! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say for example, that Greece and Rome had forms of free government, and that they no longer exist; and, deducing their fall from their devotion to liberty, the conclusion, in favor of despotism, would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power to excite the fears that have been indulged? Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief,

G

will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collisions with foreign nations—plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision you had better abandon the ocean—surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the councils of that statesman be deemed wise who would recommend that the nation should be unarmed—that the art of war, the martial spirit, and martial exercises, should be prohibited—who should declare in the language of Othello that the nation must bid farewell to the neighing steed, and the shrill trump, the spirit stirring drum, the ear piercing fife, and all the pride, pomp and circumstance of glorious war—and that the great body of the people should be taught that national happiness was to be found in perpetual peace alone? No, Sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted.

For his part (Mr. C. said) he did not allow himself to be alarmed by those apprehensions of maritime power which appeared to agitate other gentlemen. In the nature of our government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is abandoned—whenever congress shall lay burthensome taxes to augment the navy beyond what may be authorized by the increased wealth, and demanded by the exigencies of the country, the people will interpose, and removing their unworthy repre-

sentatives, apply the appropriate corrective. Mr. C. then could not see any just ground of dread in the nature of naval power. It was on the contrary free from the evils attendant upon standing armies. And the genius of our institutions,—the great representative principle, in the practical enjoyment of which we are so eminently distinguished, afforded the best guarantee against the ambition and wasteful extravagance of government.—What maritime strength is it expedient to provide for the United States? In considering this subject three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers however great. He admitted it was impossible at this time, perhaps it never would be desirable, for this country to establish so extensive a navy. Indeed he should consider it as madness in the extreme in this government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power, to which he would advert, is that which, without adventuring into distant seas, and keeping generally in our own harbours, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina, (Messrs Cheves and Lowndes) had satisfactorily shown that to effect this object, a force equivalent only to one-third of that which the maintenance of such a squadron must require, would be sufficient—that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line, one-third in port repairing, one-third on the passage, and one-third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service, whilst she is engaged in the present contest. Mr. C. said, that he was desirous of seeing such a force as he had described, that is twelve ships of the line and fifteen or twenty frigates provided for the United States; but he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as congress ought to set about providing, and he hoped in less than ten years to see it ac-

tually established. He was far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at a prospect of even her thousand ships. This country only required resolution and a proper exertion of its immense resources to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils to which any squadron would be exposed while stationed off our coasts, he entertained no doubt that the force to which he referred would ensure the command of our own seas. Such a force would avail itself of our extensive sea board and numerous harbours, every where affording asylums, to which it could safely retire from a superior fleet, or from which it could issue for the purpose of annoyance. To the opinion of his colleague (Mr. M'Kee) who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connexion, the heroic Daviess, who fell in the battle of Tippecanoe. [Here Mr. C. read certain parts of a work written by Col. Daviess, in which the author attempts to show, that as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could in the same manner be best retaliated: that the force of about twenty or thirty frigates would be capable of inflicting great injury on English commerce by picking up stragglers, cutting off convoys, and seizing upon every moment of supineness; and that such a force, with our seaports and harbours well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, just as the French army was assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]

The third description of force, worthy of consideration, is that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbours, and laying under contribution our cities—a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means, at this time. Is there a reflecting man in the nation who would not charge congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were

to bombard one of our cities! Would not every honourable member of the committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our little gallant navy, a single British vessel should place New York under contribution! Yes, Sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect, in not providing engines and water buckets. If, said Mr. C. we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way? Because we cannot guard against every possible danger shall we provide against none? He hoped not. He had hardly expected that the instructing, but humiliating lesson was so soon to be forgotten which was taught us in the murder of Pierce—the attack on the Chesapeake—and the insult offered in the very harbour of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It was a rule with Mr. C. when acting either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was therefore not in favor of entering into any mad projects on this subject; but for deliberately and resolutely pursuing what he believed to be within the power of government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted by the distinguished gentleman now at the head of the treasury. But the state of things is totally altered. What was folly in 1798 may be wisdom now. At that time we had a revenue only of about six millions. Our revenue now upon a supposition that commerce is restored, is about sixteen millions. The population of the country too is greatly increased, nearly doubled, and the wealth of the nation is perhaps tripled. Whilst our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionably augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—

a weak and defenceless accession, requiring more than any other part of our maritime frontier, the protecting arm of government.

The groundless imputation, that those who were friendly to a navy were espousing a principle inimical to freedom, should not terrify him. He was not ashamed when in such company as the illustrious author of the notes on Virginia, whose opinion on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. C. contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy which are alleged by some to have been then brought into the administration—with many honest prejudices he admitted—the rash attempt was not made to destroy the establishment. It was reduced to only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combatted, even in time of peace, it was deemed proper, by the then administration to retain in service ten frigates, he put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

Mr. C. said he had hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. Whilst he felt the deepest solicitude for the safety of New York and other cities on the coast, he would be pardoned by the committee for referring to the interests of that section of the union from which he came. If, said he, there be a point more than any other in the United States, demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the western country, dependent on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has 406,511, Tennessee 261,727, and Ohio 230,760. And when the population of the western parts of Virginia and Pennsylvania and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one-fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent! The bulky articles of which their surplus productions consist can be transported no other way. They will not bear the ex-

pense of a carriage up the Ohio and Tennessee and across the mountains, and the circuitous voyage of the lakes is out of the question. Whilst most other states have the option of numerous outlets, so that if one be closed resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi and their export trade is annihilated. He called the attention of his western friends, especially his worthy Kentucky friends (from whom he felt himself with regret constrained to differ on this occasion) to the state of the public feeling in that quarter, whilst the navigation of the Mississippi was withheld by Spain; and to the still more recent period when the right of depot was violated. The whole country was in commotion, and at the nod of government would have fallen on Baton Rouge and New Orleans and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship lying off the Belize! Again: the convulsions of the new world, still more perhaps than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to be upheld or subverted, is extremely uncertain, if the bonds connecting the parent country with her colonies are not forever broken. What is to become of Cuba? Will it assert independence or remain the province of some European power? In either case the whole trade of the western country, which must pass almost within gun-shot of the Moro Castle, is exposed to danger. It was not however of Cuba he was afraid. He wished her independent. But suppose England gets possession of that valuable island. With Cuba on the south and Halifax on the north—and the consequent means of favouring or annoying commerce of particular sections of the country—he asked if the most sanguine amongst us would not tremble for the integrity of the union? If along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the western country, contemplate such possible, nay probable, events, without desiring to see at least the commencement of such

a naval establishment as would effectually protect the Mississippi? He intreated them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known that whilst under the Spanish government they experienced the benefit of naval security. Satisfy them that under the government of the United States, they will enjoy less protection, and you disclose the most fatal secret.

The general government receives annually for the public lands, about £600,000. One of the sources whence the western people raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is in a great measure dried up. But suppose this government to look upon the occlusion of the Mississippi without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and at the same time to be vigorously pressing payment for the public lands; he shuddered at the consequences. Deep rooted as he knew the affections of the western people to be to the Union, (and he would not admit their patriotism to be surpassed by any other quarter of the country) if such a state of things were to last any considerable time, he should seriously apprehend a withdrawal of their confidence. Nor, sir, could we derive any apology for the failure to afford this protection from the want of the materials for naval architecture. On the contrary all the articles entering into the construction of a navy, iron, hemp, timber, pitch, abound in the greatest quantities on the waters of the Mississippi. Kentucky alone, he had no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as he conceived, gentlemen had been unsuccessful in showing that the downfall of maritime nations was ascribable to their navies, they have been more fortunate in showing by the instances to which they had referred, that without a marine no foreign commerce could exist to any extent. It is the appropriate—the natural (if the term may be allowed) connexion of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighbouring mountain. He considered the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one and you must abandon the other. Suppose the expected war with

England is commenced, you enter and subjugate Canada, and she still refuses to do you justice—what other possible mode will remain to operate on the enemy but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But from the arguments of gentlemen it would seem to be questioned if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government ever since the adoption of the present constitution—maintained an expensive and successful war with the Indians—a war with the Barbary powers—a quasi war with France—sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government the revenue averaged only about two millions annually—during a subsequent period of four years it rose to an average of fifteen millions annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce is re-established it will, in the course of time, nett a sum for which we are scarcely furnished with figures in arithmetic. Taking the average of the last nine years (comprehending of course the season of the embargo) our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars at six per centum interest, all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce is also involved the sacrifice of our brave tars, who have engaged in the pursuit from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprize so strongly depicted by the gentleman from New York (Mr. Mitchel,) is diffused throughout the country. It is a passion as unconquerable

H

as any with which nature has endowed us. You may attempt indeed to regulate but you cannot destroy it. It exhibits itself as well on the waters of the western country as on the waters and shores of the Atlantic. Mr. C. had heard of a vessel built at Pittsburg having crossed the Atlantic and entered an European port (he believed that of Leghorn.) The master of the vessel laid his papers before the proper custom officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the gulf of Mexico, took the officer to the mouth of the Mississippi—traced the course of the Mississippi more than a thousand miles to the mouth of the Ohio; and conducting him still a thousand miles higher, to the junction of the Alleghany and Monongahela—there, he exclaimed, stands Pittsburg, the port from which I sailed! The custom house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments he had expressed, Mr. C. considered himself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to congress, it must have been the intention of the convention to submit only to the discretion of that body the period when that power should be exercised. That period had, in his opinion, arrived, at least for making a respectable beginning. And whilst he thus discharged what he conceived to be his duty, he derived great pleasure from the reflection that he was supporting a measure calculated to impart additional strength to our happy Union. Diversified as are the interests of its various parts, how admirably do they harmonise and blend together! We have only to make a proper use of the bounties spread before us, to render us prosperous and powerful. Such a navy as he had contended for, will form a new bond of connexion between the states, concentrating their hopes, their interests and their affections.

ON THE NEW ARMY BILL.

Speech on the New Army Bill, delivered in the House of Representatives, January, 1813.

Mr. Clay (the speaker,) said he was gratified yesterday by the recommitment of this bill to a committee of the whole house, from two considerations; one, since it afforded him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the committee, his sentiments upon the important topics which had been mingled in the debate. He regretted, however, that the necessity under which the chairman had been placed of putting the question,* precluded the opportunity he had wished to enjoy, of rendering more acceptable to the committee any thing he might have to offer on the interesting points, on which it was his duty to touch. Unprepared, however, as he was to speak on this day, of which he was the more sensible, from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. C. when I found this bill permitted to pass silently through the committee of the whole, and, not selected, until the moment when the question was about to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me, that the Loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which for once, they have been indulged. I claim only, in return, of gentlemen

* The chairman had risen to put the question, which would have cut Mr. C. off from the opportunity of speaking, by carrying the bill to the House.—Editor.

on the other side of the House, and of the committee, a like indulgence in expressing my sentiments, with the same unrestrained freedom. Perhaps in the course of the remarks which I may feel myself called upon to make, gentlemen may apprehend that they assume too harsh an aspect: but I have only now to say, that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any gentlemen.

Considering the situation in which this country is now placed,—a state of actual war, with one of the most powerful nations on the earth,—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture, to our present warlike attitude. Such an inquiry, may assist in guiding us to that result, an honourable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government had been unremittingly impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius, and to their habits. It was their interest, because a change of the condition of the nation, brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unassayed; no experiment, promising a favourable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation.—Vain and fruitless attempt to propitiate! Then came along non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration,—the arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter

with what unfeigned sincerity, with what real effort administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the king, (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypocritical ingenuity which they displayed, to devest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried,—negociation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war,—the proud,—the spirited,—the sole repository of the nation's honour,—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous,—“incapable of being kicked into a war.” The maxim, “not a cent for tribute, millions for defence,” is loudly proclaimed. Is the administration for negociation? The opposition is tired, sick, disgusted with negociation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps, emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interests,—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war,—its tragical events,—the squandering away of your resources,—the waste of the public treasure, and the spilling of innocent blood. “Gorgons, hydras and chimeras dire.” They tell you that honour is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of

the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colours of every party, and of all nations, steady only in one unalterable purpose, to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do not fail by cunning sarcasm or sly inuendo to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which every where else tramples it under foot. Where then is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it as a fact,) that an honourable member of this house, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge rested on the statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!

Throughout the period he had been speaking of, the op-

position has been distinguished, amidst all its veerings and changes by another inflexible feature,—the application to Bonaparte of every vile and opprobrious epithet our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster, and beast, from that mentioned in the revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She too spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness; "Madam, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him." Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British house of commons, but in the chamber of the house of representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and forgetting from honest zeal the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte? I reply that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime

power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn assunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honourable gentleman from Massachusetts, (Mr. Quincy,) of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence, upon the summit of his own favourite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well spent life, above the malignant passions and bitter feelings of the day. *No!* his own beloved Monticello is not more moyed by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will

be hailed with gratitude, his memory honoured and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history.* An Oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed; I think it was about four years ago that he submitted to the house of representatives, an initiative proposition for an impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman debated it with his usual *temper, moderation, and urbanity*. The house decided upon it in the most solemn manner, and, although the gentleman had some how obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition! The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country, (but a kindred crime,) of betraying his God.

In one respect there is a remarkable difference between the administration and the opposition,—it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to their's, they oppose a war undertaken for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What, the opposition, who in 1798 and 1799, could

* This prediction is already beginning to be realized.—Ed.

raise an useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object,—the attack of the adjoining provinces of the enemy. What! the gentleman from Massachusetts, who assisted by his vote to raise the army of 25,000, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot of a much more serious and alarming character,—a plot that aims at the dismemberment of our union, had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, "peaceably if we can, **FORCIBLY** if we must;" nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollect that the neutrality and eventual separation of that section of the union was to be brought about. How, sir, has it happened; since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place?

That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people, there, are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience, to whom they address themselves, applaud, or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the union,—deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads,* to gentlemen who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina, (Mr. Pearson,) from Connecticut, (Mr. Pitkin,) and from New York, (Mr. Bleeker,) have, with their usual decorum, contended that the war would not have been declared, had it not been for the duplicity of France, in withholding an authentic instrument, repealing the decrees of Berlin and Milan, that upon the exhibition of such an instrument the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honour and interest of this country might be obtained. It is my purpose, said Mr. C. to examine, first, into the circumstances under

* It is due to Mr. C. to observe, that one of the most offensive expressions used by Mr. Q. an expression which produced disgust on all sides of the house, has been omitted in that gentleman's reported speech, which in other respects has been much softened.—Editor.

which the war was declared; secondly, into the causes of continuing it; and lastly, into the means which have been taken, or ought to be taken to procure peace; but sir, I am really so exhausted that, little as I am in the habit of asking of the house an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. C. sat down. Mr. Newton moved that the committee rise, report progress and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped, there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honour to follow, (Mr. Wheaton,) whatever else he might not have proved, in his very learned, ingenious, and original exposition of the powers of this government,—an exposition in which he has sought, where nobody before him has, and nobody after him will, look, for a grant of our powers, I mean the preamble to the constitution,—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate,—no member is more responsible for its abuse, and if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively, the consequences.

I omitted yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ to effect their nefarious purposes—I mean southern influence. The true friend to his country, knowing that our constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence

of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of southern preponderance,—Virginia influence,—the yoking of the respectable yeomanry of the north, with negro slaves, to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a president, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment,—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment,—is he prepared to admit that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council,—a pretension by which she undertook to proclaim to American enterprize,—“Thus far shalt thou go, and no farther,”—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war,—so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired,—an important fact, material for the nation to know, and which I have often regretted had not been spread

upon our journals. My honourable colleague (Mr. M'Kee,) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the House, and three only to the other! It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable. But I maintain that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the secretary of state, just before the expiration of his diplomatic functions. It will be recollect'd by the committee that he exhibited to this government a despatch from lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of a repeal of the orders in council, the French deccrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth June, after the bill declaring war had actually passed this house, and was pending before the Senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in saying that Great Britain, as the case has hitherto stood, never did, nor ever could engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except singly and specially, America from the operation of her decrees." On the fourteenth of the same month, the bill still pending before the Senate, he repeats: "I will now say, that I feel entirely authorized to assure you, that if you can at any time produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it in your character of a

neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council." Thus, sir, you see that the British government, would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself I have no hesitation, in saying, that I have always considered the impressment of American seamen, as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies; of which she con-

stitutes herself the sole judge. She waves the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to gentlemen that such a repeal of the orders in council, as took place on the twenty-third June last, exceptionable as it is, being known before the war was proclaimed, would have prevented it: does it follow that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain? Does it follow, in all cases, that that which would in the first instance have prevented would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered, as victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now, I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the

right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign having the possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look,—it is to her practice,—no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist, without the impressment of HER seamen. The naked truth is, she comes, by her press gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle,—and of a practice not conformable to the asserted principle,—a principle which, if it were theoretically right, must be forever practically wrong,—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain,—that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave, "let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great

Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colours that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag, (not being enemies,) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you, but I cannot, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment and say, 'you owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?' Appealing to her passions, he would continue: 'I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck.' If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

Hard, hard is my fate! once I freedom enjoyed,
Was as happy as happy could be!
Oh! how hard is my fate, how galling these chains! *

I will not imagine the dreadful catastrophe to which he would be driven, by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impress-

* It is impossible to describe the pathetic effect produced by this part of the speech. The day was chilling cold, so much so, that Mr. C. has been heard to declare, that it was the only time he ever spoke, when he was unable to keep himself warm by the exercise of speaking, yet there were few eyes that did not testify to the sensibility excited.—Editor.

ment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter dated at New York in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with lords Hawkesbury and St. Vincent; and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (*the mare clausum,*) he concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle, that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negociation, on this affair, is more fully given in the recent conversation between Mr. Russell and lord Castlereagh, communicated to congress during its present session. Lord Castlereagh says to Mr. Russel:—

‘Indeed there has evidently been much misapprehension on this subject, an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement, solely to the misconduct of the American government. This error probably originated with Mr. King, for being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part, of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject, to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at the time.’ Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir Wm. Scott the zeal with which Mr. King had assailed him on the subject of impressment,

confesses his own perplexity, and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for council and advice. 'Thus you see,' proceeded lord Castlereagh, 'that the confidence of Mr. King on this subject was entirely unfounded.'

Thus it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by administration since the war.

The honourable gentleman from New York (Mr. Bleeker,) in the very sensible speech with which he favoured the committee, made one observation which did not comport with his usual liberal and enlarged views. It was that those who are most interested against the practice of impressment, did not desire a continuance of the war on account of it, whilst those (the southern and western members,) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the western wilds, although his quarter of the union may be exempted from similar barbarities? I am sure he does. If there be a description of rights which, more than any other, should unite all parties in all quarters of the union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life: whenever the sacred rights of an American freeman are assailed, all hearts ought to unite and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the union! That gentleman considers it honest to hold Canada as a kind of hostage; to regard it as a sort of bond for the good behaviour of the enemy. But he will not inforce the bond. The actual conquest of that country would, ac-

cording to him, make no impression upon the enemy, and yet the very apprehension only of such a conquest would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending, as connected with those of the bordering states by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighbourhood: Canada, said Mr. Clay, innocent! Canada unoffending! Is it not in Canada that the tomahawk of the savage has been moulded into its deathlike form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued which nourish and continue the Indian hostilities? Supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders? Was it not by the joint co-operation of Canadians and Indians that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone. When administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old fashioned war. And now they have got old fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another,—a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property and citizens of the other, subject only to the rules of mitigated war practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked, for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war upon the principles of the honourable gentlemen, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element organization, discipline, and a thorough knowledge of their duties exist, on the part of the officers and their men. On the other almost every thing is yet to be acquired. We have however the consolation that our country abounds with the richest materials, and that in no instance when engaged in action have our arms been tarnished. At Brownstown and at Queenstown the valour of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings, it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it the Indian war would have been in a great measure prevented or terminated; the ascendancy on lake Erie acquired, and the war pushed on perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of governor Edwards and colonel Russel, to lake Pioria on the Illinois, was completely successful. So was that of captain Craig, who it is said ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprize of colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool deliberate bravery displayed than that by Newman's party from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to a maritime or land account,) for judgment, skill, and courage on the part of lieutenant Elliot, have never been surpassed.

It is alleged that the elections in England are in favour of the ministry, and that those in this country are against

the war. If in such a cause (saying nothing of the impurity of their elections,) the people of that country have rallied round their government, it affords a salutary lesson to the people here, who at all hazards ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the chief magistrate. Suppose it were even true, that an entire section of the union, were opposed to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised that out of thirty or thirty-five thousand votes, those, who approved and are for supporting it, lost the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war has been removed? We sought indemnity for the past and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations. Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet administration has given the strongest demonstrations of its love of peace. On the twenty-ninth June, less than ten days after the declaration of war, the secretary of state writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a *real* truce; that the war should in fact cease on *both* sides. Again, on the twenty-seventh of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of im-

pressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin,) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the government of the United States shall instantly recal their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbours and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the orders in council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding *without the armistice*, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negotiation un-

closed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honourable gentleman from North Carolina (Mr. Pearson,) supposes, that if congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt if such a law were to pass, with all the requisite solemnities, and the repeal to take place, lord Castlereagh would laugh at our simplicity. No, sir, administration has erred in the steps which it has taken to restore peace, but its error has been not in doing too little, but in betraying too great a solicitude for that event. An honourable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigour, strike wherever we can reach the enemy, at sea or on land, and negociate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the councils of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMAN'S RIGHTS.

ON THE EMANCIPATION OF SOUTH AMERICA.

Speech of Mr. Clay on his proposition to make an appropriation for the outfit, and one year's salary for a minister to Buenos Ayres; delivered March 24, 1818.

The house being in committee of the whole, on the bill making appropriation for the support of government for the year 1818,

Mr. Clay rose, under feelings of deeper regret than he had ever experienced on any former occasion, inspired, principally, by the painful consideration that he found himself on the proposition which he meant to submit, differing from many highly esteemed friends, in and out of this house, for whose judgment he entertained the greatest respect. A knowledge of this circumstance had induced him to pause; to subject his own convictions to the severest scrutiny; and to revolve the question over and over again. But all his reflections had conducted him to the same clear result; and much as he valued those friends, great as his deference was for their opinions, he could not hesitate, when reduced to the distressing alternative of conforming his judgment to theirs, or pursuing the deliberate and matured dictates of his own mind. He enjoyed some consolation, for the want of their co-operation, from the persuasion that, if he erred on this occasion, he erred on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which he referred, was the utter incompetency, which he unfeignedly felt, to do any thing like adequate justice to the great cause of American independence and freedom, whose interests he wished to promote by his humble exertions, in this instance. Exhausted and worn down as he was, by the fatigue, confinement and incessant application incident to the arduous duties of the honourable station he held, during a four month's session, he should need all that kind of indulgence which had been so often extended to him by the house.

He begged, in the first place, to correct misconceptions, if any existed, in regard to his opinions. He was averse from war with Spain, or with any power. He would give no just cause of war to any power—not to Spain herself. He had seen enough of war, and of its calamities, even when successful. No country upon earth had more interest than this in cultivating peace, and avoiding war, as long as it was possible honourably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance, we had every motive for the love of peace. He could not however, approve, in all respects, of the manner in which our negotiations with Spain had been conducted. If ever a favourable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs, from the aggressor, such was the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula, with a foreign war, calling for infinitely more resources in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the president in his message, at the commencement of congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the secretary of state, in a late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish minister, with a good deal of sang froid, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! He would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, he would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption of the right of depot at New Orleans, guaranteed by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities which she was bound to prevent; for belligerent use made of her ports and territories by our enemy during the late war—and the instantaneous liberation of the free citizen of the United States now imprisoned in her jails. Contem-

poraneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils, in regard to our own peculiar interests, as well as in justice to the cause itself, he would recognize any established government in Spanish America. He would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we had conducted the negociation in the manner he had endeavoured to describe, he would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it by subsequent events and the probable conduct of Europe.

Spain had undoubtedly given us abundant and just cause of war. But, it was not every cause of war, that should lead to war. War was one of those dreadful scourges that so shakes the foundations of society; overturns or changes the character of governments; interrupts or destroys the pursuits of private happiness; brings, in short, misery and wretchedness in so many forms; and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we were to have war with Spain, he had, however, no hesitation in saying, that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time under certain circumstances when we might have occupied East Florida, with safety: had we then taken it, our posture in the negociation with Spain would have been totally different from what it is. But, we had permitted that time, not with his consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman, if we are to be involved in war with Spain, let us have the credit of disinterestedness; let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. He hoped to communicate to the committee the conviction which

he so strongly felt, that, adopting the amendment which he intended to propose, would not hazard in the slightest degree, the peace of the country. But if that peace were to be endangered, he would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province which sooner or later we must certainly acquire.

Mr. Clay proceeded. In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the 40th degree of north latitude, to about the 55th degree of south latitude, and extending from the mouth of the Rio del Norde (exclusive of East Florida) around the gulf of Mexico and along the South Atlantic to near Cape Horn, it is about 5000 miles in length, and in some places near 3000 in breadth. Within this vast region, we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals; and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the vice royalty of Mexico on the south; passing by Guatamala, we reach the vice-royalty of New Grenada, the late captain generalship of Venezuela, and Guyana lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and, crossing the Andes, we find Chili on their west side, and further north, the vice royalty of Lima or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state, and, in point of population, that which has the smallest contains enough to make it respectable. Throughout all the extent of that great portion of the world, which he had attempted thus hastily to describe, the spirit of revolt against the dominion of Spain, had manifested itself. The revolution had been attended with various degrees of

success in the several parts of Spanish America. In some it had been already crowned, as he would endeavour to show, with complete success, and in all he was persuaded that independence had struck such deep root as that the power of Spain could never eradicate it. What were the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system, has been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one vice-royalty or government from visiting those of another; so, that the inhabitants of Mexico, for example, were not allowed to enter the vice royalty of New Grenada. The agriculture of those vast regions was so regulated and restrained, as to prevent all collision with the interests of the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture could interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain—and fettered by the odious spirit of monopoly existing in Cadiz. She has sought, by scattering discord among the several casts of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writers upon political economy, or that tend to give vigour and freedom and expansion to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her

policy, is that which constantly elevates the European and depresses the American character. Out of upwards of seven hundred and fifty viceroys and captains general, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth; man, his happiness and his education, all the fine faculties of his soul, are regulated and modified and moulded to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America in 1808, when the famous transactions of Bayonne occurred. The king of Spain and the Indies, (for Spanish America had always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself from the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But Mr. Clay took a broader and bolder position. He maintained, that an oppressed people were authorized, whenever they could, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty—say that

they were rebels—traitors, and that we are at this moment legislating without competent powers, before we could condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they conquered our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

Mr. Clay said he was no propagandist. He would not seek to force upon other nations our principles and our liberty, if they did not want them. He would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people willed their freedom; if they sought to establish it; if, in truth, they had established it, we had a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest required. He would say, in the language of the venerated father of his country, "Born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whenever, in any country, I see an oppressed nation unfurl the banners of freedom." For his own part, Mr. Clay said, that whenever he thought of Spanish America, the image irresistibly forced itself upon his mind of an elder brother, whose education had been neglected, whose person had been abused and maltreated, and who had been disinherited by the unkindness of an unnatural parent. And, when he contemplated the glorious struggle which that country was now making, he thought he beheld that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

If Spanish America were entitled to success from the justness of her cause, we had no less reason to wish that success from the horrible character which the royal arms have given to the war. More atrocities than those which had been perpetrated during its existence, were not to be found even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him along side of his great pro-

totype, the infamous desolater of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance. On this subject he begged leave to trouble the committee with reading a few passages from a most authentic document, the manifesto of the congress of the united provinces of Rio de la Plata, published in October last. This was a paper of the highest authority; it was an appeal to the whole world; it asserted facts of notoriety, in the face of the whole world. It was not to be credited that the congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It was a document, in short, that stood upon the same footing of authority with our own papers, promulgated during the revolution by our congress. He would add, that many of the facts which it affirmed, were corroborated by most respectable historical testimony, which was in his own possession.*

* The following are the passages read by Mr. C.

"Memory shudders at the recital of the horrors that were then committed by Goyeneche; in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American; who, on the day of his entry, ordered the virtuous governor and intendant, Antesana, to be shot; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice, to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days! But those blind and cruelly capricious men, (the Spaniards,) rejected the mediation of England, and despatched rigorous orders to all the generals, to aggravate the war, and to punish us with more severity. The scaffolds were every where multiplied, and inven-

82 ON THE EMANCIPATION OF SOUTH AMERICA.

In the establishment of the independence of Spanish America, the United States had the deepest interest. He had no hesitation in asserting his firm belief, that there was no question in the foreign policy of this country, which had ever arisen, or which he could conceive as ever occurring, in the decision of which we had so much at stake. This in-

tion was racked to devise means for spreading murder, distress and consternation.

"Thenceforth they made all possible efforts to spread division amongst us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies, accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords they have divided families against themselves; they have caused disaffection between parents and children, they have dissolved the tender ties which unite man and wife; they have spread rancour and implacable hatred between brothers, most endeared, and they have presumed to throw all nature into discord.

"They have adopted the system of murdering men indiscriminately, to diminish our numbers; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Coobabamba, have more than once been the theatres of these horrid slaughters.

"They have intermixed with their troops soldiers of ours whom they had taken prisoners, carrying away the officers in chains, to garrisons where it is impossible to preserve health for a year—they have left others to die in their prisons of hunger and misery, and others they have forced to hard labour on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered; as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the captain general Pumacagua, general Augulo, and his brother commandant Munecas and other partisan chiefs, who were shot in cold blood, after having been prisoners for several days.

"They took a brutal pleasure in cropping the ears of the natives of the town of Ville-grande, and sending a basket full of them as presents to the head-quarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and worse than the worst of savages shutting the inhabitants up in the houses, before setting them on fire, that they might be burnt alive.

"They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops.

"They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across

terest concerned our politics, our commerce, our navigation. There could not be a doubt that Spanish America, once independent, whatever might be the form of the governments established in its several parts, these governments would be animated by an American feeling, and guided by an American policy. They would obey the laws of the system of the New World, of which they would compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe the balance of power between its several parts, the preservation of which had so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of

the sea to be judged for suspected crimes, and they have put a great number of citizens to death every where, without accusation or the form of a trial.

"They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by general Pineto at La Paz, and in return for the kindness with which he treated them, after they had surrendered at discretion, they had the barbarity to blow up the head-quarters, under which they had constructed a mine, and prepared a train beforehand.

"He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and as an act of extreme favour, he offered us a pardon. He confirmed the viceroys, governors and generals whom he found actually glutted with carnage. He declared us guilty of a high misdemeanor for having dared to frame a constitution for our own government, free from the control of a deified, absolute and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence, and consequently unworthy to rule over us.

"He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He caused numerous armies to be sent out, to consummate the work of devastation, fire and plunder.

"He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns; whilst at the same time he has given them other secret instructions, authorizing them, as soon as they should get possession of a place, to hang, burn, confiscate and sack; to encourage private assassinations—and to commit every species of injury in their power, against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed colonel Camugo, in the same manner by the hands of the indecent Centeno, they cut off his head and sent it as a present to general Pezuela, telling him it was a miracle of the virgin of the Carmelites.

84 ON THE EMANCIPATION OF SOUTH AMERICA.

the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence then of Spanish America was the interest of primary consideration. Next to that, and highly important in itself, was the consideration of the nature of their governments. That was a question, however, for themselves. They would, no doubt, adopt those kinds of governments which were best suited to their condition, best calculated for their happiness. Anxious as he was that they should be free governments, we had no right to prescribe for them. They were, and ought to be, the sole judges for themselves. He was strongly inclined to believe that they would in most, if not all, parts of their country, establish free governments. We were their great example. Of us they constantly spoke as of brothers, having a similar origin. They adopted our principles, copied our institutions, and, in many instances, employed the very language and sentiments of our revolutionary papers. [Here Mr. Clay read a passage from the same manifesto before cited.*] But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. He denied the alledged fact of ignorance; he denied the inference from that fact, if it were true, that they wanted capacity for free government; and he refused his assent to the further conclusion, if the fact were true, and the inference just, that we were to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America, great quickness, genius, and particular aptitude for the acquisition of the exact sciences; and others which they

* "Having then been thus impelled by the Spaniards and their king we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honour, our lives and fortune. We have sworn to the only king we acknowledge, the supreme Judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us to be buried in ruins, and inundated with blood, by the hands of the executioner, &c."

have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, &c. they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. He would refer to the message of the supreme director of La Plata, which he would hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated that ever issued from the pens of Jefferson or Madison. Gentlemen would egregiously err if they formed their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight year's revolution in which it has been engaged, has already produced a powerful effect.

Education had been attended to, and genius developed. [Here Mr. C read a passage from the Colonial Journal, published last summer in Great Britain, where a disposition to exaggerate on that side of the question, could hardly be supposed to exist.*] The fact was not therefore true, that the imputed ignorance existed; but, if it did, he repeated that he disputed the inference. It was the doctrine of thrones, that man was too ignorant to govern himself. Their partisans assert his incapacity in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. Mr. Clay contended that it was to arraign the dispositions of Providence himself to suppose that he had created beings incapable of governing themselves, and to be trampled on by kings. He contended that self-government was the natural government of man, and he referred to the aborigines of our own land. If he were to speculate in hypotheses unfavourable

" * As soon as the project of revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favourite pursuit of the youth. As far as the wants, or the inevitable interruption of affairs have allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone as many periodical works weekly issue from the press as in Spain and Portugal put together."

36 ON THE EMANCIPATION OF SOUTH AMERICA.

to human liberty, his should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, he admitted, was the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America were spread, their physical, and he believed also their moral condition, both favored their liberty.

With regard to their superstition, Mr. Clay said, they worshipped the same God with us. Their prayers were offered up in their temples to the same Redeemer, whose intercession we expected to save us. Nor was there any thing in the Catholic religion unfavorable to freedom. All religions united with government were more or less inimical to liberty. All, separated from government, were compatible with liberty. If the people of Spanish America had not already gone as far, in religious toleration, as we had, the difference in their condition from ours, should not be forgotten. Every thing was progressive; and, in time he hoped to see them imitating, in this respect, our example. But, grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. He would invoke the spirits of our departed fathers. Was it for yourselves only, that you nobly fought? No, no. It was the chains that were forging for your posterity that made you fly to arms, and scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these more than three-fourths consist of the precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It was of no ma-

terial consequence that we produced but little that Spanish America wanted. Commerce, as it actually exists, in the hands of maritime states, was no longer confined to a mere barter, between any two states, of their respective productions. It rendered tributary to its interests the commodities of all quarters of the world. So that a rich American cargo, or the contents of an American commercial warehouse, presented you with whatever was rare or valuable in every part of the globe. Commerce was not to be judged by its results in transactions with one nation only. Unfavourable balances existing with one state are made up by contrary balances with other states. And its true value should be tested by the totality of its operations. Our greatest trade—that with Great Britain, judged by the amount of what we sold for her consumption, and what we bought of her for ours, would be pronounced ruinous. But the unfavourable balance was covered by the profits of trade with other nations. We may safely trust to the daring enterprize of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And he would again, as he had on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect like true American statesmen, that we were not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be to give us the entire command of the Indian trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continued to occlude her ports

in the West Indies to us, and we should, as he contended we ought, meet her system by a countervailing measure, Venezuela, New Grenada, and other parts of Spanish America, would afford us all that we get from the British West Indies. He confessed that he despaired, for the present, of adopting that salutary measure. It was proposed at the last session, and postponed. It was during the present session again proposed, and, he feared, would be again postponed. He saw, and he owned it with infinite regret, a tone and a feeling in the councils of the country infinitely below that which belonged to the country. It was perhaps the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what, by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and—postpone the bill. The time will however come—must come, when this country will not submit to a commerce with the British colonies upon the terms which England alone prescribes. And, he repeated, that, when it arrived, Spanish America would afford us an ample substitute. Then, as to our navigation; gentlemen should recollect that, if reasoning from past experience were safe, for the future our great commercial rival will be in war a greater number of years than she will be in peace. Whenever she shall be at war and we are in peace, our navigation, being free from the risks and insurance incident to war, we shall engross almost the whole transportation of the Spanish American commerce. For he did not believe that that country would ever have a considerable marine. Mexico, the most populous part of it, had but two ports, La Vera Cruz, and Acapulca, and neither of them very good. Spanish America had not the elements to construct a marine. It wanted, and must always want hardy seamen. He did not believe that, in the present improved state of navigation, any nations so far south would ever make a figure as maritime powers. If Carthage and Rome, in ancient times, and some other states of a later period, occasionally made great exertions on the water, it must be recollected, that they were principally on a small theatre, and in a totally different, state of the art of navigation, or when there was no competition from northern states.

He was aware that, in opposition to the interest which

he had been endeavouring to manifest that this country had in the independence of Spanish America, it was contended, that we should find that country a great rival in agricultural productions. There was something so narrow and selfish and grovelling in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that he confessed he had scarcely patience to notice it. But it was not true to any extent. Of the eighty odd millions of exports, only about one million and a half consisted of an article which might come into competition with us, and that was cotton. The tobacco which Spain derived from her colonies was chiefly produced in her islands. Bread stuffs could no where be raised and brought to market in any amount materially affecting us. The table lands of Mexico, owing to their elevation, were, it was true, well adapted to the culture of grain; but the expense and difficulty of getting it to the gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America was capable of producing articles so much more valuable than those which we raised, that it was not probable they would abandon a more profitable for a less advantageous culture, to come into competition with us. The West India islands were well adapted to the raising cotton; and yet the more valuable culture of coffee and sugar was constantly preferred. Again, Providence had so ordered it, that with regard to countries producing articles apparently similar, there was some peculiarity, resulting from climate, or from some other cause, that gave to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, was too remote to rival us.

The immense country, watered by the Mississippi, and its branches, had a peculiar interest, which he trusted he should be excused for noticing. Having but the single vent of New Orleans, for all the surplus produce of their industry, it was quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power owning at the same time Cuba, the great key of the gulf of Mexico, and all the shores of that gulf, with the exception of the portion between the Perdido and the Rio del Norde, must have a powerful command over our

interests. Spain, it was true, was not a dangerous neighbour at present, but, in the vicissitudes of states, her power might be again resuscitated.

Mr. C. continued: Having shown that the cause of the patriots was just, and that we had a great interest in its successful issue, he would next inquire what course of policy it became us to adopt. He had already declared that to be one of strict and impartial neutrality. It was not necessary for their interests, it was not expedient for our own, that we should take part in the war. All they demanded of us was a just neutrality. It was compatible with this pacific policy,—it was required by it, that we should recognize any established government, if there were any established government in Spanish America. Recognition alone, without aid, was no just cause of war. With aid it was, not because of the recognition, but because of the aid, as aid without recognition was cause of war. The truth of these propositions he would maintain upon principle, by the practice of other states, and by the usage of our own. There was no common tribunal, among nations to pronounce upon the fact of the sovereignty of a new state. Each power does and must judge for itself. It was an attribute of sovereignty so to judge. A nation, in exerting this incontestable right, —in pronouncing upon the independence in fact of a new state, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that in so far as it may be necessary to institute any relations or to support any intercourse, with the new power, that power is capable of maintaining those relations and authorizing that intercourse. Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognised by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give and did give to Holland. In no instance he believed could it be shown, from authentic history, that Spain made war upon any power on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into

a treaty of alliance with us,—a treaty by which she guaranteed our independence, that England declared war. Holland also was charged by England with favouring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was moreover about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty and powerful nation, like England, had made war, upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what had been our uniform practice? We had constantly proceeded on the principle, that the government *de facto* was that we could alone notice. Whatever form of government any society of people adopts; whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favour of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. He did not maintain that every immature revolution,—every usurper, before his power was consolidated, was to be acknowledged by us; but that as soon as stability and order were maintained, no matter by whom, we always had considered, and ought to consider the actual as the true government. General Washington,—Mr. Jefferson, Mr. Madison, had all, whilst they were respectively presidents, acted on these principles.

In the case of the French republic, Gen. Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable that he was received before the government of the republic was considered as established. It will be found, in Marshall's life of Washington, that when it was understood that a minister from the French republic was about to present himself, President Washington submitted a number of questions to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries until France had an es-

tablished government. Gen. Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's administrations, when the Cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said, we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the Peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present minister from Spain. During all the phases of the French government, republic, directory, consuls, consul for life, emperor, king, emperor again, king, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we were morally and politically bound to acknowledge it, unless we renounced all the principles which ought to guide, and which hitherto had guided, our councils. Mr. C. then undertook to show, that the united provinces of the Rio de la Plata possessed such a government. Its limits, he said, extending from the south Atlantic ocean to the Pacific, embraced a territory equal to that of the United States, certainly equal to it, exclusive of Louisiana. Its population was about three millions, more than equal to ours at the commencement of our revolution. That population was a hardy, enterprising and gallant population. The establishments of Monte Video and Buenos Ayres, had, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such was the martial character of the people, that in every instance the attack had

been repulsed. In 1807, general Whitlocke commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres had, during now nearly eight years, been in point of fact in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of Old Spain made war upon Buenos Ayres, and the consequence subsequently was, the capture of a Spanish army in Monte Video, equal to that of Burgoyne. This government has now, in excellent discipline, three well appointed armies, with the most abundant material of war: the army of Chili—the army of Peru, and the army of Buenos Ayres. The first under San Martin, has conquered Chili: the second is penetrating in a north-western direction from Buenos Ayres; into the vice-royalty of Peru; and according to the last accounts, had reduced the ancient seat of empire of the Incas. The third remains at Buenos Ayres to oppose any force which Spain may send against it. To show the condition of the country in July last, Mr. C. again called the attention of the committee to the message of the supreme director, delivered to the Congress of the United Provinces. It was a paper of the same authentic character with the speech of the king of England on opening his parliament, or the message of the president of the United States, at the commencement of congress.* There was a

* The following are the passages read by Mr. Clay:

"The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and, should the Peninsularians send against us thrice that number, ample provision has been made to receive them.

"Our navy has been fostered in all its branches. The scarcity of means under which we laboured until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals even upon the ocean.

94 ON THE EMANCIPATION OF SOUTH AMERICA.

spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, were on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure was found to promote the interests of science, and the education of the rising generation. It was true, that the first part of the message portrayed scenes

"Our military force, at every point which it occupies, seems to be animated with the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

"Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war have been provided to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the union, but whose connexion with us has been only intercepted by reason of our past misfortunes."

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources were unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

"Whilst thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

"Our system of finance had hitherto been on a footing entirely inadequate to the unfailing supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitting application to this object has enabled me to create the means of satisfying the creditors of the state, who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population; it is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigencies been so punctually supplied, nor have more important works been undertaken.

"The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations scarcely less grievous will by degrees be also suppressed, avoiding as far as possible a recurrence to loans, which have drawn after them the most fatal consequences to states. Should we, however, be compelled to resort to such expedients the lenders will not see themselves in danger of losing their advances.

"Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the re-establishing of the college, heretofore named San Carlos, but hereafter to be called the Union of

of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifested, however, that they were subdued. And what state, passing through the agitations of a great revolution, was free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of La Plata to contest the authority of the actual government. It is free, it is independent—it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect, that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We do more: we hasten to reciprocate the compliment; and anxious to manifest our gratitude

the South, as a point designated for the dissemination of learning to the youth of every part of the state, on the most extensive scale, for the attainment of which object the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be cultivated, in which the hearts of those young men will be formed, who are destined at some future day to add new splendor to our country.

"Such has been the establishment of a military depot on the frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honour to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes, a measure which must give more occasion for reflection to our enemies, than they can impose upon us by their boastings.

"Fellow citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes."

for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade; one of the highest rank recognized by our laws. We were the natural head of the American family. He would not intermeddle in the affairs of Europe. We wisely kept aloof from their broils. He would not even intermeddle in those of other parts of America, farther than to exert the incontestable rights appertaining to us as a free, sovereign and independent power; and, he contended, that the accrediting of a minister from the new republic was such a right. We were bound to receive their minister, if we meant to be really neutral. If the royal belligerent were represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party would be in the condition of the poor patriots who were tried *ex parte* the other day in the Supreme Court, without counsel, without friends. Give Mr. Onis his congé, or receive the republican minister. Unless you do so, your neutrality is nominal.

Mr. C. next proceeded to inquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? He had shown, he trusted, successfully shown, that it was no just cause of war to Spain. Being no cause of war, we had no right to expect that war would ensue. If Spain, without cause, would make war, she may make it whether we do or do not acknowledge the republic. But she would not, because she could not, make war against us. He called the attention of the committee to a report of the minister of the Hacienda to the king of Spain presented about eight months ago. A more beggarly account of empty boxes, Mr. C. said, was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the last war, may be contemplated without emotion after surveying that of Mr. Gary. The expenses of the current year required eight hundred and thirty millions two hundred and sixty-seven thousand eight hundred and twenty-nine of reals, and the deficit of the income is represented as two hundred and thirty-three millions one hundred and forty thousand nine hundred and thirty-two of reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states that the vassals of the king are totally unable to submit to any new taxes, and the country is without credit, so as to render anticipation by loans

wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of the monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of fifty-six millions of reals, set apart to defray the expenses of that family!—He states that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, Mr. C. had no doubt, that, surrounded as Mr. Gary was, by corruption, by intrigue, and folly, and imbecility, he would be compelled to retire, if he had not already been dismissed, from a post for which he had too much integrity. It had been now about four years since the restoration of Ferdinand; and if during that period, the whole energies of the monarchy had been directed unsuccessfully against the weakest and most vulnerable of all the American possessions, Venezuela, how was it possible for Spain to encounter the difficulties of a new war with this country?—Morillo had been sent out with one of the finest armies that had ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who had fought in the Peninsula. It had subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two-thirds were persons of color, remained un subdued. The little island of Margarita, whose population was less than twenty thousand inhabitants—a population fighting for liberty with more than Roman valor—had compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte had been so much abused. The effect of a war with this country, would be to ensure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominion, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should

be enabled to do by our navy, blockading the port of Havanna, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced—Mexico emancipated—and Morillo's army deprived of supplies, now drawn principally from this country through the Havanna, compelled to surrender. The war, he verily believed, would be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how could it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, was perfectly evident. On what ground, he asked, was it likely, then, that they would support Spain, in opposition to their own decided interest? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers, which are remote either in time or place. Of Spanish America but little is known by the great body of the population of Europe. Even in this country the most astonishing ignorance prevails respecting them. Those European statesmen who were acquainted with the country, would reflect, that, tossed by a great revolution, it would most probably constitute four or five several nations, and that the ultimate modification of all their various governments was by no means absolutely certain. But, Mr. C. said, he entertained no doubt that the principle of cohesion among the allies was gone. It was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by, unmoved and indifferent to the fate of its neighbour, although the destruction of that neighbour removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience would prove it, the destruc-

tion of the alliance. The principle was totally changed. It was no longer a common struggle against the colossal power of Bonaparte, but it became a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action—for new enterprizes, there was no principle of unity, there could be no accordance of interests, or of views, among them.

What was the condition in which Europe was left after all its efforts? It was divided into two great powers, one having the undisputed command of the land—the other of the water. Paris was transferred to St. Petersburg, and the navies of Europe were at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, was seeking to encompass the Porte; and constituting herself the kraken of the ocean, was anxious to lave her enormous sides in the more genial waters of the Mediterranean. It was said, he knew, that she had indicated a disposition to take part with Spain. No such thing. She had sold some old worm-eaten, decayed fir-built ships to Spain, but the crews which navigated them, were to return from the port of delivery, and the *bonus* she was to get, he believed to be the island of Minorca, in conformity with the cardinal point of her policy. France was greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, was concerned in the independence of Spanish America. He did not despair of France, so long as France had a legislative body, collected from all its parts, the great repository of its wishes and its will. Already had that body manifested a spirit of considerable independence. And those who, conversant with French history, knew what magnanimous stands had been made by the parliaments, bodies of limited extent, against the royal prerogative, would be able to appreciate justly the moral force of such a legislative body. Whilst it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is every where despised on the continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, Royalists, Moderés, Ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters.

[Here Mr. C. read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of a mass of evidence to the same effect, which had come under his notice.] It was impossible, he said, that with powers, between whom so much cordial dislike, so much incongruity existed, there could be any union or concert. Whilst the free principles of the French revolution remained; those principles which were so alarming to the stability of thrones, there never had been any successful or cordial union; coalition after coalition, wanting the spirit of union, was swept away by the overwhelming power of France. It was not until those principles were abandoned and Bonaparte had erected on their ruins his stupendous fabric of universal empire—nor indeed until after the frosts of Heaven favored the cause of Europe, that an effective coalition was formed. No, said Mr. C. the complaisance inspired in the allies from unexpected, if not undeserved success, might keep them nominally together; but for all purposes of united and combined action, the alliance was gone; and he did not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognizing the new republic, resolved itself into a question whether England, in such event, would make war upon us: If it could be shown that England would not, it resulted either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. He contended that England was alike restrained by her honor and by her interest from waging war against us, and consequently against Spanish America, also for an acknowledgment of the indepen-

dence of the new state. England has encouraged and fo-
mented the revolt of the colonies as early as June, 1797.
Sir Thomas Picton, governor of Trinidad, in virtue of or-
ders from the British minister of foreign affairs, issued a
proclamation, in which he expressly assures the inhabitants
of Terra Firma, that the British government will aid in
establishing their independence.* In prosecution of the
same object, Great Britain defrayed the expenses of the
famous expedition of Miranda. England, in 1811, when she
was in the most intimate relations with Spain, then strug-
gling against the French power, assumed the attitude of a
mediator between the colonies and the peninsula. The terms
on which she conceived her mediation could alone be ef-
fectual were rejected by the Cortes, at the lowest state of
the Spanish power. Among these terms, England required
for the colonies a perfect freedom of commerce, allowing
only some degree of preference to Spain; that the appoint-
ments of viceroys and governors should be made indiscri-
minately from Spanish Americans and Spaniards; and that
the interior government and every branch of public ad-
ministration should be entrusted to the cabildo or munici-
palities, &c. If Spain, when Spain was almost reduced to
the island of St. Leon, then rejected those conditions, would
she now consent to them, amounting, as they do, substan-
tially to the independence of Spanish America? If England,
devoted as she was at that time to the cause of the Peninsula,
even then thought those terms due to the colonies, would
she now, when no particular motive existed for cherishing
the Spanish power, and after the ingratitude with which
Spain has treated her, think that the colonies ought to sub-
mit to less favourable conditions? And would not England
stand disgraced in the eyes of the whole world, if, after hav-
ing abetted and excited a revolution, she should now attempt
to reduce the colonies to unconditional submission, or should

* The following is the passage read:

"With regard to the hope you entertain of raising the spirits of those persons, with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain that whenever they are in that disposition, they may receive at your hands, all the succours to be expected from his Brittanic Majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Brittanic Majesty go no further than to secure to them their independence," &c.

make war upon us for acknowledging that independence which she herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who would put no confidence in its obligations, he had an argument to urge of more conclusive force. It was founded upon the interests of England. Excluded almost as she is from the continent, the commerce of America, south and north, is worth to her more than the commerce of the residue of the world. That, to all Spanish America, had been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States, might be fairly stated at upwards of one hundred millions of dollars. The effect of a war with the two countries would be to devest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favourite aim of her policy for two centuries—she must blot out her whole history, reverse the maxims of all her illustrious statesmen; extinguish the spirit of commerce which animates, directs and controls all her movements, before she can render herself accessory to the subjugation of Spanish America. No commercial advantages which Spain might offer by treaty, could possess the security for her trade, which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest or from caprice. The other would be as permanent as independence. That he did not mistake the views of the British cabinet, the recent proclamation of the prince regent he thought proved.—The committee would remark that that document did not describe the patriots as rebels or insurgents, but, using a term which he had no doubt had been well weighed, it declared the existence of a "state of warfare." And with regard to English subjects, who were in the armies of Spain, although they had entered the service without restriction as to their military duties, it required that they should not take part against the colonies. The subjects of England freely supplied the patriots with arms and ammunition, and

ON THE EMANCIPATION OF SOUTH AMERICA. 103

an honorable friend of his (Col. Johnson,) had just received a letter from one of the West India islands stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review, of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views—the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part in the war; and Spain is expressly notified that she cannot and must not expect aid from England.* In the case of the struggle between Spain and her colonies, England, for once at least, had manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course had been pursued by us. She had so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both—to enjoy all the advantages of the rich commerce of both. We had, by a neutrality bill containing unprecedented features; and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We had the confidence neither of Spain nor the colonies.

* “In arguing therefore for the advantages of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the Inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances and situations, than we are advocates for revolution in the abstract,” &c. “But it has been plausibly asserted, that by abstaining from interference in the affairs of South America we are surrendering to the United States, all the advantages which might be secured to ourselves, from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful whether any advantage, commercial or political, can be lost to England by a neutral conduct; it must be observed that the United States themselves have given every public proof of their intention to pursue the same line of policy. But admitting that this conduct is nothing more than a decent pretext; or admitting still farther, that they will afford to the Independents direct and open assistance, our view of the case would remain precisely the same,” &c. “To persevere in force, unaided, is to miscalculate her (Spain’s) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained.”

Mr. Clay said, it remained for him to defend the proposition which he meant to submit, from an objection, which he had heard intimated, that it interfered with the duties assigned to the executive branch. On this subject he felt the greatest solicitation; for no man more than himself, respected the preservation of the independence of the several departments of government, in the constitutional orbits which were prescribed to them. It was his favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. He was perfectly aware, that the constitution of the United States, and he admitted the proposition in its broadest sense, confided to the executive the reception and the deputation of ministers. But in relation to the latter operation, congress had a current will, in the power of providing for the payment of their salaries. The instrument no where said, or implied, that the executive act of sending a minister to a foreign country should precede the legislative act which shall provide for the payment of his salary. And, in point of fact, our statutory code was full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject matter of treaties. Perhaps the act of sending a minister abroad, and the act providing for the allowance of his salary ought to be simultaneous; but if, in the order of precedence, there were more reason on the one side than on the other, he thought it was in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless—although, if previously consulted, they would have said they would not consent to pay such a minister, the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. Mr. C. illustrated his ideas by the existing missions to Sweden and to the Netherlands. He had no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, that he would not and he believed congress would not, consent to pay them.

If it be urged that, by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the

president may think it improper to send abroad, we operate upon the president by all the force of our opinion; it may be retorted that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. The true theory of our government, at least supposes that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the president afterwards will proceed upon his. And so if he make the previous appointment. We have a right after a minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his mission—we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequent to the deputation of the minister, it must exist prior to that deputation. Whenever we so deliberate we deliberate under our constitutional responsibility. Pass the amendment he proposed, and it would be passed under that responsibility. Then the president, when he deliberated on the propriety of the mission, would act under his constitutional responsibility. Each branch of government, moving in its proper sphere, would act with as much freedom from the influence of the other as was practically attainable.

There was great reason, Mr. Clay contended, from the peculiar character of the American government, in there being a perfect understanding between the legislative and executive branches, in relation to the acknowledgment of a new power. Every where else the power of declaring war resided with the executive. Here it was deposited with the legislature. If contrary to his opinion, there were even a risk that the acknowledgment of a new state might lead to war, it was advisable that the step should not be taken, without a previous knowledge of the will of the war-making branch. He was disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression he knew might be given in the form of an abstract resolution, declaratory of that will; but he preferred, at this time, proposing an act of practical legislation. And if he had been so fortunate as to communicate to the committee, in any thing like that degree of strength in which he entertained them, the convictions

106 ON THE EMANCIPATION OF SOUTH AMERICA.

that the cause of the patriots was just; that the character of the war, as waged by Spain, should induce us to wish them success; that we had a great interest in that success; that this interest, as well as our neutral attitude, required us to acknowledge any established government in Spanish America; that the United Provinces of the river Plate was such a government; that we might safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we might express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion, he hoped the committee would adopt the proposition which he had now the honor of presenting to them, after a respectful tender of his acknowledgments for their attention and kindness, during, he feared, the tedious period he had been so unprofitably trespassing upon their patience. He offered the following amendment to the bill:

"For one year's salary, and an outfit to a minister to the United Provinces of the Rio de la Plata, the salary to commence, and the outfit to be paid, whenever the president shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars."

ON INTERNAL IMPROVEMENT.

Speech in the Debate on the Resolutions relating to the power of Congress to make Roads and Canals; March, 1818.

Mr. Clay said, that he had been anxious to catch the eye of the chairman for a few moments, to reply to some of the observations which had fallen from various gentlemen. He was aware that, in doing this, he risked the loss of what was of the utmost value, the kind favour of the house, wearied as its patience was by this prolonged debate. But, when he felt what a deep interest the Union at large, and particularly that quarter of it whence he came, had in the decision of the present question, he could not omit any opportunity of earnestly urging upon the house the propriety of retaining the important power which that question involved. It will be recollectcd, said Mr. C. that, if unfortunately there should be a majority both against the abstract proposition asserting that power, and against its practical execution, the power is gone for ever—the question is put at rest so long as the Constitution remains as it is; and with respect to any amendment, in this particular, he confessed he utterly despaired. It would be borne in mind, that the bill which passed Congress on this subject, at the last session, had been rejected by the late president of the United States; that at the commencement of the present session, the president had communicated his clear opinion, after every effort to come to a different conclusion, that Congress did not possess the power contended for, and had called upon us to take up the subject in the shape of an amendment to the constitution, and, moreover, that the predecessor of the present and late presidents had also intimated his opinion that Congress did not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this house, after a deliberate review of the ground taken by it at the last session, had decided against the existence of it, (if such fatally should be the decision,) the power, he repeated, was

gone—gone for ever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, he thought it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, would unite and defeat such an amendment; one embracing those who believed that the constitution, fairly interpreted, already conveys the power, and, the other, those who think that Congress have not, and ought not to have it. As a large portion of Congress, and probably a majority, believed the power already to exist, it must be evident, if he were right in supposing that any considerable number of that majority would vote against an amendment which they did not believe necessary, that any attempt to amend would fail. Considering, as he did, the existence of the power as of the first importance, not merely to the preservation of the union of the States, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce; in peace and in war, it becomes us, said Mr. C. solemnly and deliberately and anxiously to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of "State rights," he would observe, that if the illustrious persons, just referred to, were against us in the construction of the constitution, they were on our side as to the harmless and beneficial character of the power. For it was not to be conceived, that each of them would have recommended an amendment to the constitution, if they believed that the possession of such a power, by the general government, would be detrimental, much less dangerous, to the independence and liberties of the States. What real ground was there for this alarm? Gentlemen had not condescended to show how the subversion of the rights of the States was to follow from the exercise of the power of internal improvements by the general government. We contend for the power to make roads and canals to distribute the intelligence, force, and productions of the country, through all its parts; and for such jurisdiction only over them as is necessary to their preservation from wanton injury and from gradual decay. Suppose such a power is maintained, and in full

operation; imagine it to extend to every canal made, or proposed to be made, and to every post road; how inconsiderable and insignificant is the power in a political point of view, limited as it is with regard to place and to purpose, when contrasted with the great mass of powers retained by the State sovereignties! What a small subtraction from that mass! Even upon those roads and canals, the state governments, according to our principles, would still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affected their existence and preservation. Thus defined, thus limited, and stript of all factitious causes of alarm, Mr. C. would appeal to the dispassionate candour of gentlemen, to say if the power really presented any thing frightful in it? With respect to post roads, our adversaries admit the right of way in the general government. There had been, however, on this question, some instances of conflict, which had passed away without any serious difficulty. Connecticut, if he had been rightly informed, had disputed, at one period, the right of passage of the mail on the Sabbath. The general government persisted in the exercise of the right, and Connecticut herself, and every body else, have acquiesced in it.

The gentleman from Virginia, (Mr. H. Nelson,) has contended, Mr. C. continued, that I do not adhere, in the principles of construction which I apply to the constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the committee to the celebrated state paper to which we both refer for our principles in this respect—a paper which, although I had not seen it for sixteen years, until the gentleman had the politeness to furnish me with it during this debate, made such an impression on my mind, that I shall never forget the satisfaction with which I first perused it. I find that I had used, without having been aware of it, when I formerly addressed the committee, almost the identical language employed by Mr. Madison in that paper. It will be recollectcd, that I claimed no right to exercise any power under the constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive the power from the clause which authorizes Congress to appropriate money. I have been contented with

endeavouring to show, that according to the doctrines of 1798, that according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others. [Here Mr. C. read sundry passages from Mr. Madison's report to the Virginia legislature, in an answer to the resolutions of several States, concerning the alien and sedition laws, showing that there were no powers in the general government but what were granted, and that, whenever a power was claimed to be exercised by it, such power must be shown to be granted, or to be necessary and proper to carry into effect one of the specified powers.] It would be remarked, Mr. C. said, that Mr. Madison, in his reasoning on the constitution, had not employed the language fashionable during this debate; he had not said that an implied power must be *absolutely* necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! Mr. C. said, this was a modern interpretation of the constitution. Mr. Madison had employed the language of the instrument itself, and had only contended that the implied power must be necessary and proper to carry into effect the specified power. He had only insisted, that when Congress applied its sound judgment to the constitution, in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers.—These, said Mr. C. are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility could the power be otherwise executed.

That there are two classes of powers in the constitution, Mr. C. believed never to have been controverted by an American politician. We can not foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence, the existence of construction, and of constructive powers. Hence also the rule that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly

conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And, I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger is, that of consolidation by the assumption of powers not granted, nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798—9. For instance—that in direct contradiction to a prohibitory clause of the constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions of the constitution. It was by such measures that the federal party, (if parties might be named,) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, he thought it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of this country, as he believed, would never have occurred.

Mr. Clay begged the committee—he entreated the true friends of the confederated union of these States, to examine this doctrine of State rights, and see to what abusive, if not dangerous, consequences it may lead, to what extent it had been carried, and how it had varied by the same State at different times. In alluding to the state of Massachusetts, he assured the gentlemen from that State, and particularly the honourable chairman of the committee to whom the claim of Massachusetts had been referred, that he had no intention to create any prejudice against that claim. He hoped that, when the subject was taken up, it would be candidly and dispassionately considered, and that a decision would be made upon it consistent with the rights of the Union and of the State of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman, (Mr. Mason, of Massachusetts,) to whom he had alluded, would, if he had been otherwise inclined, prevent him from endeavouring to make impressions unfavourable to the claim, whose justice that gentleman stands pledged to manifest. But, in the period of 1798—9, what was the doctrine promulgated by Massachusetts? It was, that the States, in their sovereign capacities, had no right to examine into the constitutionality or expediency of the mea-

sures of the general government. [Mr. C. here quoted several passages from the answer of the State of Massachusetts to the Virginia and Kentucky resolutions, concerning the alien and sedition laws, to prove his position.] We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the constitutionality or expediency of the acts of the general government. But what was the doctrine which the same State, in 1813, thought proper to proclaim to the world, and that too when the Union was menaced on all sides? She not only claimed, but exercised, the right which in 1799 she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made, by the general government, for her militia, and she refused the militia called for. There was so much plausibility in the reasoning employed by that State in support of her modern doctrine of "State rights," that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times and under other circumstances, she would very probably have escaped a great portion of that odium which has most justly fallen to her lot. The constitution gives to Congress power to provide for calling out the militia to execute the laws of the Union, to suppress insurrections, and to repel invasions, and in no other cases. The militia was called out by the general government, during the late war, to repel invasion. Massachusetts said, as you have no right to the militia but in certain contingencies, she was competent to decide whether those contingencies had or had not occurred. And, having examined the fact, what then?—She said, all was peace and quietness in Massachusetts; no non-execution of the laws—no insurrection at home—no invasion from abroad, nor any immediate danger of invasion. And, in truth, Mr. C. said, he believed there was no actual invasion for nearly two years after requisition. Under these circumstances, had it not been for the supposed motive of her conduct, he asked if the case which Massachusetts made out, would not be extremely plausible? He hoped it not necessary for him to say, that it was very far from his intention to convey any thing like approbation of the conduct of Massachusetts. No! his doctrine was, that the States, as States, have no right to oppose the execution of the powers which the general government asserts. Any State has undoubtedly the right to express its opinion, in the form of resolution or other-

wise, and to proceed, by constitutional means, to redress any real or imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion, as must inevitably lead to it.

Mr. C. said, that, greatly as he venerated the state which gave him birth, and much as he respected the judges of its supreme court, several of whom were his personal friends, he was obliged to think that some of the doctrines which that state had recently held concerning state rights, were fraught with much danger. Had those doctrines been asserted during the late war, a large share of the public disapprobation which has been given to Massachusetts, might have fallen to Virginia. What were these doctrines? The courts of Virginia have asserted that they have a right to determine on the constitutionality of any law or treaty of the United States, and to expound them according to their own views, even if they should vary from the decision of the supreme court of the United States. They have asserted more—that from their decision there could be no appeal to the supreme court of the United States; and that there exists in Congress no power to frame a law, obliging the court of the state, in the last resort, to submit its decision to the supervision of the supreme court of the United States; or if he did not misunderstand the doctrine, to withdraw from the state tribunals, controversies involving the laws of the United States, and to place them before the federal judiciary. I am a friend, said Mr. C. a true friend, to state rights; but not in all cases as they are asserted. The states have their appointed orbit; so has the union; and each should be confined within its fair, legitimate and constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this government, and that spirit of encroachment which would snatch from the states, powers not delegated to the general government. We shall thus escape both the dangers I noticed—that of relapsing into the alarming weakness of the confederation, which was described as a mere rope of sand, and also that other, perhaps not the greatest danger, consolidation. No man deprecates more than I do

Q

the idea of consolidation; yet, between separation and consolidation, painful as would be the alternative, he would greatly prefer the latter.

Mr. Clay would now proceed to endeavour to discover the real difference in the interpretation of the constitution, between the gentlemen on the other side and himself. It was agreed that there was no power in the general government but that which is expressly granted, or which is implied from an express grant. The difference then must be in the application of this rule. The gentleman from Virginia, who had favoured the House with so able an argument on the subject, had conceded, though somewhat reluctantly, the existence of incidental powers, but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe different from that which the constitution has required, that it should be necessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion; that law of tyrants, to which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are necessarily brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the constitution, to cases where discretion must exist. But is there no limitation, no security against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the constitution, and which will tend to restrain Congress from deriving powers which are not proper and necessary. There is the yet further security, that, at the end of every two years, the members must be amenable to the people for the manner in which their trust has been performed. And there remains also that further, though awful security, the last resort of society, which he contended belonged alike to the people and to the states in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable—the right of resistance. Take the gentleman's own doctrine, (Mr. Barbour,) the most restricted which had been asserted, and what other

securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for, has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which we pass, and lastly, of the right of resisting insupportable tyranny. And by way of illustration, Mr. C. said, that, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If Congress assumed the power to control the right of speech, and to assail, by penal statutes, that greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which he had referred, lamentable as would be the appeal, such a monstrous abuse of power, he contended, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and himself differed so little in their general principles, as he thought he had shown, he would proceed for a few moments, to look at the constitution a little more in detail. I have contended, said Mr. C. that the power to construct post roads, is expressly granted in the power to establish post roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced by implication, from any of the specified grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word *establish*, in this case, can mean only one thing—the right of making. Several gentlemen had contended that the word had a different sense; and one had resorted to the preamble of the constitution to show that the phrase "to establish justice," there used, did not convey the power of creation. If the word "establish" was there to be taken in the sense which gentlemen claimed for it, that of adoption or designation, Congress could have had a choice only of systems of justice pre-existing. Would any gentleman contend that they were obliged to take the Justinian code, the

Napoleon code, the code of civil, or the code of common or canon law? Establishment means, in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society required you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say that the word cannot mean *make*; that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot be properly used in all cases, it does not follow that it cannot be in any. And when we take into consideration, that, under the old articles of confederation, Congress had over the subject of post roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to establish post offices, which was alone possessed, by the former government, he thought that he might safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it; and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member had stated what appeared to him a conclusive argument against the power to cut canals; that he had understood that a proposition made in the convention to insert such a power, was rejected. To this argument more than one sufficient answer could be made. In the first place the fact itself had been denied, and he had never yet seen any evidence of it. But suppose that the proposition had been made and overruled, unless the motives of the refusal

to insert it were known, gentlemen were not authorized to draw the inference, that it was from hostility to the power, or from a desire to withhold it from Congress. Might not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition: that to adopt it indeed might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New-York, (Mr. Storrs,) whose absence Mr. C. regretted on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, had informed him that, in the convention of that state, one of the objections to the constitution by the anti-federalists was, that it was understood to convey to the general government, the power to cut canals. How often, in the course of the proceedings of this house, do we reject amendments, upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition!

Mr. C. referred to the Federalist, for one moment, to show that the only notice taken of that clause of the constitution which relates to post roads, was favourable to his construction. The power, that book said, must always be a harmless one. He had endeavoured to show not only that it was perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the states, says the Federalist, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen, on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people—one in feeling, in interest, and affection; as we are one in our political relation.

Was there not a direct and intimate relation between the power to make war and military roads and canals? It was in vain that the convention should have confided to the general government the tremendous power of declaring war—should have imposed upon it the duty to employ the whole physical means of the nation, to render the war, what-

ever may be its character, successful and glorious; if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the Union. The only circumstance, which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the Union—why did not Massachusetts, make a struggle to reconquer the island? Not for the want of men; not for the want of patriotism, he hoped; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the north-western frontier, millions of money, and some of the most precious blood of the state from which I have the honour to come, were wastefully expended for the want of such roads. My honourable friend from Ohio, (Gen. Garrison,) who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyzes our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or to that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence, all around them? They made permanent military roads; and among the objects of interest, which Europe now presents, are the remains of those Roman roads which are shown to the curious inquirer. If there were no other monument remaining of the sagacity, and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war, I do not wish to see this country ever in that complete state of preparation for war, for which some contend; that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see

the bill, reported by my friend from Ohio, or some other embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appeared to him, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement? It was one of the most essential circumstances in war. But, without good roads, it was impossible! He recalled to the recollection of some of the members, the fact that, in the Senate, several years ago, an honourable friend of his, (Mr. Bayard,) whose premature death he ever deplored—who was an ornament to the councils of his country; and whom, when abroad, he found the able and fearless advocate of her rights—had, in supporting a subscription which he proposed the United States should make to the stock of the Delaware and Chesapeake canal company, earnestly recommended the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting, by government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation, would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the Senate, and with so much effect, too; bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, was it obvious that a line of military canals was not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction, Mr. C. continued, which had been laid down, he acknowledged his incapacity to comprehend. Gentlemen say that the power in question is a substantive power; and that no substantive power could

be derived by implication. What is their definition of a substantive power? Will they favour us with the principle of discrimination between powers which, being substantive, are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although he did not perceive why this power was more entitled than many implied powers to the denomination of substantive, suppose that he yielded, how did gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proven, that the power is substantive, and that no substantive power can be implied, yet he trusted it had been satisfactorily shown that there was an express grant.

His honourable friend from Virginia (Mr. Nelson) had denied the operation of executive influence on his mind; and had informed the committee, that from that quarter he had nothing to expect, to hope, or to fear. I did not impute to my honourable friend any such motive; I know his independence of character and of mind, too well to do so. But, I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The president recommended the establishment of a bank. If ever there were a stretch of the implied powers, conveyed by the constitution, it has been thought that the grant of the charter of the National Bank was one. But the president recommends it. Where was then my honourable friend, the friend of state rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution; and who kindly expresses his hope that we shall be made to feel the public indignation? Where was he at this awful epoch? Where was that eloquent tongue which we have now heard with so much pleasure? Silent! silent as the grave.

[Mr. N. said, across the house, that he voted against the bank bill, when first recommended.]

Alas! said Mr. C. my honourable friend had not the heart to withstand a second recommendation from the president: but, when it came, yielded, no doubt, most reluctantly to the executive wishes, and voted for the bank. At the last session of Congress, Mr. Madison recommends (and I will presently make some remarks on that subject,) an exercise of all the existing powers of the general government

to establish a comprehensive system of internal improvements. Where was my honourable friend on that occasion? Not silent as the grave, but he gave a negative vote almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No, although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropt from his lips against the measure. [Mr. Nelson said he voted against the bill.] That he whispered out an unwilling negative, Mr. C. did not deny; but it was unsustained by that torrent of eloquence which was poured out on the present occasion. But, said Mr. C. we have an executive message now, not quite as ambiguous in its terms, nor as oracular in its meaning, as that of Mr. Madison appears to have been. No! the president now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honourable friend rouses, thunders forth the danger in which the constitution is, and sounds aloud the tocsin of alarm. Far from insinuating that he is at all biassed by the executive wishes, I appeal to his candour to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the chief magistrate?

Now let us review those opinions, as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested, by the constitution, in Congress, to construct roads and canals, without the consent of the states, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it, in the instance of the Cumberland road, and how? First by a compact made with the state of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honourable friend, the other day, he expressly denied, (and in that I concur with him,) that the power could be acquired by the mere consent of the state. Yet he defended the act of Mr. Jefferson, in the case referred to. [Mr. Nelson expressed his dissent to this statement of his argument.] Mr. C. said it was far from his intention

R

to mis-state the gentleman. He certainly had understood him to say, that, as the road was first stipulated for in the compact with Ohio, it was competent afterwards to carry it through the states mentioned, with their assent. Now, if we have not the right to make a road in virtue of one compact made with a single state, can we obtain it by two contracts made with several states? The character of the fund could not affect the question. It was totally immaterial whether it arose from the sales of the public lands or from the general revenue. Suppose a contract, made with Massachusetts, that a certain portion of the revenue, collected at the port of Boston from foreign trade, should be expended in making roads and canals leading to that state; and that a subsequent compact should be made with Connecticut, or New Hampshire, for the expenditure of the fund on these objects within their limits. Can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? He conceived clearly not. And he was entirely at a loss to comprehend how gentlemen, consistently with their own principles, could justify the erection of the Cumberland road. No man, he said, was prouder than he was, of that noble monument of the provident care of the nation, and of the public spirit of its projectors; and he trusted, that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation would be made to complete that road. He confessed, however, freely, that he was entirely unable to conceive of any principle on which that road could be supported, that would not uphold the general power contended for.

He would now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous and illustrious statesman, whose administration has so powerfully tended to advance the glory, honour and prosperity of this country, he most regretted, for his sake and for the sake of the country, the rejection of the bill of the last session. He thought it irreconcileable with Mr. Madison's own principles—those great, broad and liberal principles, on which he so ably administered the government. And, sir, said Mr. C. when I appeal to the members of the last Congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake that should have swallowed up one half of this city,

could have excited more surprise than when it was first communicated to this house, that Mr. Madison had rejected his own bill—I say his own bill: for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. Johnson, of Virginia,) the operations of whose vigorous and independent mind depend upon his own internal perceptions, has expressed himself with a becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It was impossible, moreover, to disguise the fact, that the question is now a question between the executive on the one side, and the representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honours due to his eminent and laborious public services; and I would be among the last to disturb it. However painful it is to me to animadver upon any of his opinions, I feel perfectly sure, that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to Congress at the commencement of the last session, which contains this passage: “I particularly invite *again* the attention of Congress to the expediency of exercising *their existing powers*, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.” In the examination of this passage, two positions forced themselves upon our attention. The first was, the assertion, that there are existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that in the exercise of those existing powers, some defect might be discovered,

which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proved that there were no existing powers whatever. It was apparent that Mr. Madison himself had not examined some of those principal sources of the constitution from which, during this debate, the power had been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented him, (the last day but one of a most busy session,) deprived him of an opportunity of that thorough investigation, of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcileable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied, but merely set apart and pledged the fund to the general purpose, subject to the future disposition of Congress. If, then, there were any supposable case whatever, to which Congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one Congress, would afterwards be unconstitutionally expended by another.

I come now, said Mr. C. to the message of Mr. Monroe; and if, by the communication of his opinion to Congress, he intended to prevent discussions, he has most wofully failed. I know that, according to a most venerable and excellent usage, the opinion, neither of the president nor of the senate, upon any proposition depending in this house, ought to be adverted to. Even in the parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order: but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled,

most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional order of legislation supposes that every bill originating in one house, shall be there deliberately investigated, without influence from any other branch of the legislature; and then remitted to the other house for a like free and unbiased consideration. Having passed both houses, it is to be laid before the president; signed, if approved, and, if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which Congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoins it upon him to state his objections upon returning the bill. The originating house is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, on matters of great public concern, we are deprived, if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion, which, so long as I exist, I will maintain, to say that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the president. [Mr. C. here quoted the passage of the message at the opening of the session, which follows:]

"A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honoured, it would be improper, after what has passed, that this dis-

cussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is, a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states the adoption of an amendment to the Constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted."

In this passage, the president has furnished us with no reasoning, no argument, in support of his opinion—nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen that I have the honour to entirely concur with him; but he says the power is not among the specified powers. Has he taken into consideration the clause respecting post roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learnt that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, Mr. C. said, he would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether

roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message was all assertion, and contained no argument which he could comprehend, or which met the points contended for during this debate. Allow me here, said Mr. C. to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment; let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his *acts* are worth infinitely more, and are more intelligible, than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburg to the St. Lawrence? And my honourable friend will excuse me, if my comprehension is too dull to perceive the force of that argument which seeks to draw a distinction between repairing an old and making a new road. [Mr. Nelson said he had not drawn that distinction, having only stated the fact.] Certainly no such distinction was to be found in the constitution, or existed in reason. Grant, however, the power of reparation, and we will make it do. We will take the post roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying and painful delays and disappointments, to which we, at least in the west, are so often liable. The president then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there existed the best understanding, and a prospect of lasting friendship greater than at any former period. On his sole authority the president acted, and we are already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the state of New-York; and what is wonderful, when we consider the magnitude of the state rights which are said to be violated, without even a protest on the part of that state against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary,

that the people, through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the president would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned, by the executive, without the concurrence of Congress. If the president has the power to cause those public improvements to be executed, at his pleasure, whence is it derived? If any member will stand up in his place and say, the president is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the constitution, which vests it in the executive and withdraws it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution, which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount power to the president. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to these objects. Or is it come to this, that there are to be two rules of construction for the constitution—one, an enlarged rule, for the executive—and another, a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitutions, powers of this kind may be safely entrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes? No, sir, if the power belongs only by implication to the chief magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the president, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority, I have no doubt: and I sincerely trust that the secretary at

War will, in time of peace, constantly employ in that way, the military force. It will, at the same time, guard that force against the vices incident to indolence and inaction, and correct the evil of subtracting from the mass of the labour of society, where labour is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind, by the president, which are denied to Congress. And, if the opinions expressed by him, in his message, were communicated, or are to be used here, to influence the judgment of the house, their authority is more than countervailed by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground that, when the condition of society is ripe for internal improvements, that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associations of individuals, unaided by government. With my friend from South Carolina, (Mr. Lowndes,) I concur in this as a general maxim; and I also concur with him, that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would perhaps be better for mankind, if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other powers will incite the industry of their subjects, and depress that of our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it did not always follow that they would be constructed whenever they would afford a competent dividend upon the capital invested. It may be true generally, that, in old countries, where there is a great accumulation of surplus capital, and a consequent low rate of interest, they would be made. But in a new country, the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and, besides, there is generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further—the aggregate

benefit resulting to the whole society, from a public improvement, may be such as to amply justify the investment of capital in its execution; and yet that benefit may be so distributed among different and distant persons, as that they can never be got to act in concert. The turnpike roads wanted to pass the Allegany mountains, and the Delaware and Chesapeake canal, are objects of this description. Those who would be most benefited by these improvements, reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated, a sufficiently lively picture of their real interests to get them to make exertions, in effecting the object, commensurate with their respective abilities? I think it very possible that the capitalist, who should invest his money in one of those objects, might not be reimbursed three per centum annually upon it. And yet society, in various forms, might actually reap fifteen or twenty per centum. The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the diminished expense of transportation. A combination upon any terms, much less a just combination, of all these interests to effect the improvement, is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution until long after the general interests of society would have authorized it.

Again, improvements made by private associations are generally made by the local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement too is not always the most interested in its accomplishment. Other parts of the union—the whole line of the seaboard—are quite as much, if not more, interested in the Delaware and Chesapeake canal, as the small tract of country through which it is proposed to pass. The same observation will apply to turnpike roads passing through the Allegany mountain. Sometimes the interest of the place of the improvement, is adverse to the improve-

ment and to the general interest. He would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect was on the agricultural community, into whose pockets came the difference in the expense of transportation, between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee, by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power; and I call on the friends of Congress, of this house, or the true friends of state rights, (not charging others with intending to oppose them,) to rally round the constitution, and to support, by their votes on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold and maintain, the authority of Congress, notwithstanding all that has been or may be said against it.

ON THE SEMINOLE WAR.

Speech on the Seminole War, delivered in the House of Representatives, January, 1819.

MR. CHAIRMAN,

In rising to address you, sir, on the very interesting subject which now engages the attention of congress, I must be allowed to say, that all inferences drawn from the course, which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain, whose operations are under investigation, will be wholly unfounded. Towards that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know, said Mr. C. the motives which have been, and which will again be attributed to me, in regard to the other exalted personage alluded to. They have been, and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Mr. C. said, little as had been his experience in public life, it had been sufficient to teach him that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the president, he would precede him, and pick out those, if he could, which might jostle him in his progress—he would sympathize with him in his embarrassments and commiserate with him in his misfortunes. It was true, that it had been his mortification to differ with that gentleman on several occasions. He might be again reluctantly compelled to differ with him; but he would with the utmost sincerity assure the committee that he had formed no resolution, come under no engagements, and that he never would

form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

Mr. Clay begged leave further to premise that the subject under consideration, presented two distinct aspects, susceptible, in his judgment, of the most clear and precise discrimination. The one he would call its foreign, the other its domestic aspect. In regard to the first, he would say, that he approved entirely of the conduct of his government, and that Spain had no cause of complaint. Having violated an important stipulation of the treaty of 1795, that power had justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belonged not to her to complain of those measures which resulted from her breach of contract; still less had she a right to examine into the considerations connected with the domestic aspect of the subject.

What were the propositions before the committee? The first in order was that reported by the military committee, which asserts the disapprobation of this house, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, was the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter, of any captive, taken by the army, without the approbation of the president. The third proposition was, that this house disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law should pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of congress, except it be in fresh pursuit of a defeated enemy. The first and third were general propositions, declaring the sense of the house, in regard to the evils pointed out: and the second and fourth proposed the legislative remedies against the recurrence of those evils.

It would be at once perceived, Mr. C. said, by this simple statement of the propositions, that no other censure was proposed against general Jackson himself, than what was merely consequential. His name even did not appear in any one of the resolutions. The legislature of the country, in reviewing the state of the union, and considering the events

which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, had taken place near our southern border. He would add, that the house had not sought, by any officious interference with the duties of the executive, to gain jurisdiction over this matter. The president, in his message at the opening of the session, communicated the very information on which it was proposed to act. He would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of congress to the subject, the president must himself have intended that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the house upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, he repeated, that there was no censure any where, except such as was strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought not to have taken place, and no other than this indirect sort of censure would flow from the resolutions before the committee.

Having thus given his view of the nature and character of the propositions under consideration, Mr. C. said, he was far from intimating, that it was not his purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal and constitutional, involved in them. And, whilst he trusted he should speak with the decorum due to the distinguished officers of the government, whose proceedings were to be examined, he should exercise the independence which belonged to him as a representative of the people, in freely and fully submitting his sentiments.

In noticing the painful incidents of this war, it was impossible not to inquire into its origin. He feared that it would be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and he asked the indulgence of the chairman, that the clerk might read certain parts of

that treaty. (The clerk having read as requested, Mr. C. proceeded.) He had never perused this instrument until within a few days past, and he had read it with the deepest mortification and regret. A more dictatorial spirit he had never seen displayed in any instrument. He would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations, that surrounded her; and he did not believe a solitary instance could be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of *peace*. It consisted of the most severe and humiliating demands—of the surrender of large territory—of the privilege of making roads through the remnant which was retained—of the right of establishing trading houses—of the obligation of delivering into our hands their prophets. And all this, of a wretched people, reduced to the last extremity of distress, whose miserable existence we had to preserve by a voluntary stipulation, to furnish them with bread! When did the all conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated! Let me not be told that these prophets were impostors who deceived the Indians. They were *their* prophets—the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek Founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negociation, pretensions so enormous were set up, by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all

parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the cotemporaneous scenes of Ghent and of Fort Jackson: what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States *demand*, the United States *demand*, is repeated five or six times. And what did the preamble itself disclose? That two-thirds of the Creek nation had been hostile, and one-third only friendly to us. Now, he had heard, (he could not vouch for the truth of the statement) that not one hostile chief signed the treaty. He had also heard that perhaps one or two of them had. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty, and to restore to them their lands as they held them in 1811. Mr. C. said he did not know how the honourable Senate, that body for which he held so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcileable as it is with those noble principles of generosity and magnanimity which he hoped to see his country always exhibit, and particularly toward the miserable remnant of the aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, Mr. C. said, he feared, had been the main cause of the recent war. And if it had been, it only added another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, served but to whet and stimulate revenge, and to give to old hostilities, smothered, not extinguished by the pretended peace, greater exasperation and more ferocity. A truce thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief, from

such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to have granted him liberal conditions in the first instance. This treaty, he repeated it, was, he apprehended, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it was perhaps difficult to ascertain. There was, however, a paper on this subject communicated at the last session by the president that told, in language pathetic and feeling, an artless tale—a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that he would ask the favour of the committee to allow him to read it.* I should be very unwilling, Mr. C. said, to

* The following is the letter from ten of the Seminole towns, which Mr. C. read.

To the Commanding officer at Fort Hawkins.

DEAR SIR,

Since the last war, after you sent word that we must quit the war, we, the Red people, have come over on this side. The white people *have carried all the red people's cattle off*. After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so: but the white people *still continue to carry off their cattle*. Bernard's son was here, and I inquired of him what was to be done—and he said we must go to the head man of the white people and *complain*. I did so, and there was no head white man, and *there was no law in this case*. The whites first began and there is nothing said about that; but great complaint *about what the Indians do*. This is now three years since the white people killed three Indians, since that they have killed *three other Indians*, and taken their horses, and what they had; and this summer they killed *three more*; and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were *outlaws*, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done: the truth in such cases ought to be told, but this appears otherwise. On that side of the river, the white people have killed five Indians; but there is nothing said about that; and all that the Indians have done is brought up. *All the mischief the white people have done, ought to be told to their head man*. When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead. It appears

T

assert, in regard to this war, that the fault was on our side; but he feared it was. He had heard that very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounce it as his opinion, that the Indians were not in fault. Mr. C. said, that he was far from attributing to general Jackson any other than the very slight degree of blame which attached to him as the negotiator of the treaty of Fort Jackson, and which would be shared by those who subsequently ratified and sanctioned that treaty. But if there were even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt would serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. He knew, he said, that when general Jackson was summoned to the field, it was too late to hesitate—the fatal blow had been struck in the destruction of Fowl town, and the dreadful massacre of lieutenant Scott and his detachment; and the only duty which remained to him was to terminate this unhappy contest.

that all the mischief is laid on this town; but all the mischief that has been done by this town is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking, were cattle *that the white people took from us.* Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, *and meddle with no person.* You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also: a great many of them. When we have an opportunity we shall apply to the English for them, but we cannot get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself,
your humble servant, &c.

September, the 11th day, 1817.

N. B. There are ten towns have read this letter and this is the answer.
A true copy of the original. Wm. BELL, Aid-de-camp.

The first circumstance which in the course of his performing that duty, fixed our attention, had, Mr. C. said, filled him with regret. It was the execution of the Indian chiefs. How, he asked, did they come into our possession? Was it in the course of fair, and open, and honourable war? No, but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore, and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But, Mr. C. said, he regarded the occurrence with grief for other and higher considerations. It was the first instance that he knew of, in the annals of our country, in which retaliation, by executing Indian captives, had ever been deliberately practised. There may have been exceptions, but if there were, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping knife—about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But, I love my country, and its constitution; I love liberty and safety, and fear military despotism more even than I hate these monsters. The gentleman, in the coarse of his remarks, alluded to the state from which I have the honour to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land between the natives and the present inhabitants, Mr. C. said, he defied the gentleman to point out one instance in which a Kentuckian had stained his hand by—nothing but his high sense of the distinguished services and exalted merits of general Jackson prevented his using a different

term—the execution of an unarmed and prostrate captive. Yes, said Mr. C. there was one solitary exception, in which a man, enraged at beholding an Indian prisoner, who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right said Mr. C. thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, colonel Campbell, under the command of my honourable friend from Ohio, (general Garrison) was placed at the head of a detachment consisting chiefly, he believed, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is evidence of the manner in which they treated them. (Here Mr. C. read the general orders issued on the return of the detachment).* I hope, sir, the honourable gentleman will be now able better to appreciate the character and conduct of my gallant countrymen than he appears hitherto to have done.

But, sir, I have said that you have no right to practise under colour of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has

* The following is the extract read by Mr. Clay.

"But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude and bravery, would, however, be incomplete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in sparing all the warriors who ceased to resist; and that even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band respected the lives of their prisoners. Let an account of murdered innocence be opened in the records of heaven against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be raised against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy."

been the uniform usage co-eval and co-existent with the subject to which it relates, becomes its fixed law. Such was the foundation of all common law; and such, he believed, was the principal foundation of all public or international law. If, then, it could be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practised by them towards us, we were morally bound by this invariable usage, and could not lawfully change it without the most cogent reasons. So far as his knowledge extended, he said, that from the first settlement at Plymouth or at Jamestown, it had not been our practice to destroy Indian captives, combatants or non-combatants. He knew of but one deviation from the code which regulated the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigours of war were mitigated, begin? At a time when we were weak, and they were comparatively strong—when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and overwhelming them in its terrible progress, he has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the Mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station, among the first nations of

the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honourable gentleman from Massachusetts expect, in this august body, this enlightened assembly of christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why was it, Mr. C. asked, that we had not practised toward the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It was because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce *effect* in the war. Vengeance was a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it, by every consideration of humanity and of justice. Will it, then, produce effect on the Indian tribes? No—they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive, to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of the son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words—

Begin, ye tormentors! your threats are in vain:
The son of Alknomak will never complain.

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, was condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as he should possibly again allude to it, he would pass from it, for the present, to another topic.

It was not necessary, Mr. C. said, for the purpose of his argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocence of either of them. He would yield, for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It was possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in

his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade; and that he sought to ingratiate himself with his customers, by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy, if not unjust fate. The first impression made on the examination of the proceedings in the trial and execution of those two men, is, that on the part of Ambrister, there was the most guilt, but at the same time, the most irregularity. Conceding the point of the guilt of both, with the qualification which he had stated, he would proceed to inquire, first, if their execution could be justified upon the principles assumed by general Jackson himself. If they did not afford a justification, he would next inquire if there were any other principles authorizing their execution; and he would, in the third place, make some observations upon the mode of proceeding.

The principle assumed by general Jackson, which may be found in his general orders commanding the execution of these men, is, "that it is an established principle of the law of nations, that any individual of a nation, making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous, when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over to the civil authority. But the principle, he repeated, was totally incorrect, when applied to men in their situation. A foreigner, connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified

with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions were so obviously correct, that he should consider it an abuse of the patience of the committee to consume time in their proof. They were supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this house. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? according to the principle of general Jackson, they would be outlaws and pirates, and liable to immediate execution. Were gentlemen prepared to return to their respective districts with this doctrine in their mouths, and say to their Irish, English, Scotch, and other foreign constituents, that you are liable, on the contingency supposed, to be treated as outlaws and pirates?

Was there any other principle which justified the proceedings? On this subject, he said, if he admired the wonderful ingenuity with which gentlemen sought a colourable pretext for those executions, he was at the same time shocked at some of the principles advanced. What said the honourable gentleman from Massachusetts (Mr. Holmes) in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? He would illustrate its enormity by a single case. Suppose a man being guilty of robbery, is tried, condemned, and executed for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to ensure his own acquittal, but to urge the gentleman's plea, that he had done a right thing a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities, be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It became gentlemen, then, on the other side, to show, by some known, certain, and recognized rule of public or municipal law, that the execution of these men was justified. Where is it? He should be glad to see it. We are told in a paper emanating from the department of state, recently laid before this house, distinguished for the fervour of its eloquence, and of which the honourable gentleman from Massachusetts, has supplied us in part with a second edition, in one respect agreeing with the prototype, that they both ought to be inscribed to the American public—we are justly told in that paper, that this is the *first* instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's goods. The other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavoured to vindicate our country, and he hoped with some degree of success. What will be the condition of future American negotiators, when pressed upon this head, he knew not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed on

yesterday to read, with a sort of triumph, the names of the commissioners employed in the negociation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you, (Mr. Holmes desired to explain) Mr. C. said there was no occasion for explanation; he was perfectly satisfied. (Mr. H. however, proceeded to say that his intention was, in pronouncing the gentleman's name, to add to the respect due to the negotiator that which was due to the speaker of this house.) To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It was a new one; there were no land marks to guide us in its adoption; or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him, on the ground of his having notoriously instigated the continental powers to war against France. Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive, you! miscreant, monster, have occasioned all these scenes of devastation and blood? What had been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, was a great blot on the English name. And Mr. C. repeated what he had before said, that if Chatham or Fox, or even William Pitt himself, had been prime minister, in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him, upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men, Mr. C. said, was equally objectionable with the principles on which it had been attempted to prove a forfeiture of their lives. He knew, he said, the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. He wished most sincerely that he could reconcile them to his conscience. It had been attempted to vindicate the general upon grounds which he was persuaded he would himself disown. It had been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. He denied that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war making power that congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It was in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely laid down the *principle or rule*; it belongs to the government to constitute the tribunal for applying that principle or rule. There was, for example, no instance in which the death of a captive was more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature had not left the power over spies undefined, to the mere discretion of the commander in chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose congress had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed because congress had assigned no tribunal for enforcing that public law. No man could be executed in this free country without two things being shown: 1st, That the law condemns him to death; and 2d, That his death is pronounced by that tribunal which is authorised by the law to try him. These principles would reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he

cannot be lawfully punished with death, without the concurrence of the two circumstances just insisted upon. He denied that any commander in chief, in this country, had this absolute power of life and death, at his sole discretion. It was contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge, and execute the rule only, was utterly irreconcilable with every principle of free government, and was the very definition of tyranny itself; and he trusted that this house would never give even a tacit assent to such a principle. Suppose the commander had made, even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, would gentlemen tell him, over the lives of human beings, than over property? The assertion of such a power to the commander in chief, was contrary to the practice of the government. By an act of congress, which passed in 1799, vesting the power of retaliation in certain cases in the president of the United States—an act which passed during the *quasi* war with France, the president is authorised to retaliate upon any of the citizens of the French republic, the enormities which may be practised in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when every means were resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. He would not trouble the house with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional president, the father of the instrument itself, by which Mr. Madison, was empowered to retaliate on the British in certain instances. It was not only contrary to the genius of our institutions, and to the uniform practice of the government, but it was contrary to the obvious principles on which the general himself had proceeded; for, in forming the court, he had evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority

of two-thirds. In the general orders issued from the adjutant general's office, at head quarters, it is described as a *court-martial*. The prisoners are said, in those orders, to have been tried "on the following *charges and specifications*." The court understood itself to be acting as a court-martial. It was so organized—it so proceeded, having a judge advocate, hearing witnesses, and the *written* defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the secretary of war, noticing the transaction, the general says: "These individuals were tried under my orders, *legally* convicted as excitors of this savage and negro war, *legally* condemned and most justly punished for their iniquities." The Lord deliver us from such legal conviction, and such legal condemnations! The general himself considered the laws of his country to have justified his proceedings. It was in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded, that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have commanded their execution. Now if an absolute sovereign, in any particular respect, promulgates a rule which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If general Jackson had the power, without a court, to condemn these men; he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it was with grief and pain he was compelled to say that he was executed in defiance of all law; in defiance of the law to which general Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. He knew but little of military law, and what had happened, had certainly not created in him a taste for acquiring a knowledge of more; but he believed there was no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It had been suggested that the court had pronounced two sentences, and

that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, without the intervention of a court. If he had the right, he waved it, and, having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed, without the authority of the law. He would not dwell, at this time, on the effect of these precedents in foreign countries, but he would not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. He beseeched the committee not to be so captivated by the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example would often be felt when its authors and all the circumstances connected with it, were no longer remembered. He knew of but one analogous instance of the execution of a prisoner, and that had brought more odium, than almost any other incident, on the unhappy emperor of France. He alluded to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of gend'armes to the place of his retreat, seized him, and brought him to the dungeons of Vincennes. He was there tried by a court martial, condemned, and shot. There, as here, was a violation of neutral territory; there the neutral ground was not stained with the blood of him whom it should have protected. And there was another most unfortunate difference for the American example. The duke D'Enghein, was executed *according to his sentence*. It is said by the defenders of Napoleon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France,

have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it have sought to vindicate themselves, from what they appear to have considered as an aspersion, before foreign courts. In conclusion of this part of the subject, Mr. C. said, that he most cheerfully and entirely acquitted general Jackson of any intention to violate the laws of the country, or the obligations of humanity. He was persuaded, from all that he had heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, he was disposed to allow it in the most extensive degree. Of his *acts*, said Mr. C. it is my duty to speak with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted than that which gives to congress the power to declare war. The immortal convention who formed that instrument had abundant reason drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen that nations are often precipitated into ruinous war from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the union, we should be safe from the mad wars that have afflicted and desolated and ruined other countries. It was supposed that before any war was declared the nature of the injury complained of would be carefully examined, the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness, which has been manifested in Florida, that the constitution was so framed. If then this power, thus cautiously and clearly bestowed upon congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it became that body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and

silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the twenty-fifth of March 1818, (Mr. C. continued,) the president of the United States, communicated a message to congress in relation to the Seminole war, in which he declared that, although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The president, by the documents accompanying the message, the orders themselves which issued from the department of war, to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same twenty-fifth day of March (a most singular concurrence of dates,) when the representatives of the people receive this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does general Jackson write from his head quarters, that he shall take St. Marks as a necessary depot for his military operations! The general states, in his letter, what he had heard about the threat on the part of the Indians and Negroes, to occupy the fort, and declares his purpose to possess himself of it in either of the two contingencies, of its being in their hands or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to congress alone, of determining what should be the effect, and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, he asked, the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. He had always understood that the

Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks must have been empty, and would probably have been impracticable. At all events, when general Jackson arrived there, no danger any longer threatened the Spaniards from the miserable fugitive Indians, who fled on all sides upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the depot and the Indian threat. The first he would not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact, and the bare possibility of its being forcibly taken by the Indians could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark at Copenhagen. And he lamented to be obliged to notice the analogy which existed in the defences made of the two cases. If his recollection did not deceive him, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen and into the island of Zealand. What then was the conduct of England? It was my lot, Mr. C. said, to fall into conversation with an intelligent Englishman on this subject. "We knew (said he,) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized." Every where the conduct of England was censured; and the name even of the negotiator who was employed by her, who was sub-

sequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She perhaps was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. Who were we contending with? With a few half-starved, half-clothed, wretched Indians and fugitive slaves. And whilst carrying on this inglorious war,—inglorious as it regards the laurels or renown won in it,—we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the 8th of April, the general writes from St. Marks, that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly having effected that object, he writes, on the 20th of April, that he believes he may say the war is at an end for the present. He repeats the same opinion in his letter to the secretary of war, written six days after. The war being thus ended, it might have been hoped that no further hostilities would have been committed. But on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine this proceeding of the governor, so very hostile and affrontive in the view of general Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that general Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the president's message of the 25th of March, and reminded general Jackson of it, to satisfy him that the American government could not have authorised all those measures. Mr. C. said he could not read the allusion made by the governor to that message, without feeling that the

charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate! He received it on the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Bárancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude. Alas! that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate! It was impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorised hostility.

The honourable gentleman from Massachusetts had endeavoured to derive some authority to general Jackson from the message of the president, and the letter of the secretary of war to governor Bibb. The message declares that the Spanish authorities are to be respected wherever maintained. What the president means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to governor Bibb admits of a similar explanation. When the secretary says, in that letter, that general Jackson is fully empowered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that general Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. He would take a momentary glance at the orders. On the 2d of December, 1817, general Gaines was forbidden to cross the Florida line. Seven days after, the secretary of war, having arrived here, and infused a little more energy into our councils, he was authorised to use a sound discretion in crossing it or not. On the 16th, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, if he took refuge under a Spanish fortress, the fact was to be reported to the department of war. These orders were transmitted to general Jackson, and constituted, or ought to have

constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the president, the letter to governor Bibb, or in the orders themselves. The gentleman from Massachusetts would pardon him for saying that he had undertaken what even his talents were not competent to—the maintenance of directly contradictory propositions, that it was right in general Jackson to take Pensacola, and wrong in the president to keep it. The gentleman has made a greater mistake than he supposes general Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the president and general Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the president immediately to surrender it. We, sir, are the supporters of the president. We regret that we cannot support general Jackson also. The gentleman's liberality is more comprehensive than ours. I approve, with all my heart, of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the president thought the seizure of the Spanish posts was an act of war, is manifest from his opening message; in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, congress alone possessing it. The president has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And he defied the gentleman to make good both his positions, that the general was right in taking, and the president right in giving up the posts. (Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, here is your dagger; we found it in the hands of our enemy, and having wrested it from him, we restore it to you in the hope that you will take better care of it for the future.) Mr. C. proceeded. The gentleman from Massachusetts was truly unfortunate; fact or principle was always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the colour of a threat of Indian occupation as it regards Pensacola and

the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman was in a dilemma, from which there was no escape. He gave up general Jackson when he supported the president; and gave up the president when he supported general Jackson. Mr. C. said that he rejoiced to have seen the president manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, he said and he said alone, in the limited circle in which he moved, that the president must surrender it; that he could not hold it. It was not his intention, he said, to inquire whether the army was or was not constitutionally marched into Florida. It was not a clear question, and he was inclined to think that the express authority of congress ought to have been asked. The gentleman from Massachusetts would allow him to refer to a part of the correspondence at Ghent different from that which he had quoted. He would find the condition of the Indians there accurately defined. And it was widely variant from the gentleman's ideas on this subject. The Indians, according to the statement of the American commissioners at Ghent, inhabiting the United States, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposed. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are accordingly treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the president had the power to march an army into Florida without consulting Spain, and without the authority of congress, he had no power to authorise any act of hostility against her. If the

gentleman had even succeeded in showing that an authority was conveyed by the executive to general Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the executive. But no such orders were, in truth, given. The president had acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

He would not trespass much longer upon the time of the committee; but he trusted he should be indulged with some few reflections upon the danger of permitting the conduct on which it had been his painful duty to animadvert, to pass, without a solemn expression of the disapprobation of this house. Recal to your recollection, said he, the free nations which have gone before us. Where are they now?

Gone glimmering through the dream of things that were,
A school boy's tale, the wonder of an hour.

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian, if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country? the confident and indignant Grecian would exclaim no! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece had fallen, Cæsar had passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated madame de Staël, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and, dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. He hoped not to be misunderstood; he was far from intimating that

general Jackson cherished any designs inimical to the liberties of the country. He believed his intentions to be pure and patriotic. He thanked God that he would not, but he thanked him still more that he could not, if he would, overturn the liberties of the republic. But precedents, if bad, were fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition was much truer when applied to governments. Precedents were their habits. There was one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders, when applied even to prisoners of war, he must enter his protest. It began upon them; it would end on us. He hoped our happy form of government was destined to be perpetual. But if it were to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting, said Mr. C. a great moral battle, for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest, portion of it is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Every where the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty o' our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down law, justice, the constitution, and the rights of other people? By exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola how did they chuckle, and chide the admirers of our institutions, taunt-

ingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country; in the midst of amicable negociation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw too, when that illustrious man, who presides over us, adopted his pacific, moderate and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction in this infant period of our republic, scarcely yet two score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and, that if we would escape the rock on which they split we must avoid their errors.

How different has been the treatment of general Jackson, and that modest but heroic young man, a native of one of the smallest states in the union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgement to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and congress took up the subject. My honourable friend from Virginia (Mr. Johnson) the faithful and consistent sentinel of the law and of the constitution, disapproved, in that instance as he does in this, and moved an inquiry. The public mind remained agitated and unpeased until the recent atonement so honourably made by the gallant commodore. And was there to be a distinction between the officers of the two branches of the public service? Are former services, however, eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? He was not disposed to censure the president for not ordering a court of inquiry or a general court martial. Perhaps, impelled by a sense of gratitude, he determined by anticipation to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us, said Mr. C. not shrink from our

duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

He hoped gentlemen would deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this house. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination—a triumph of the military over the civil authority—a triumph over the powers of this house—a triumph over the constitution of the land. And he prayed most devoutly to heaven, that it might not prove, in its ultimate effects and consequences a triumph over the liberties of the people.

MISSION TO SOUTH AMERICA.

House of Representatives, Saturday, March 28, 1820.

The House having again resolved itself into a committee of the whole on the general appropriation bill, to which Mr. Clay had moved an amendment, going to make an appropriation for the outfit and a year's salary of a minister to Buenos Ayres.

Mr. Clay said, that as no other gentleman appeared disposed to address the chair, he would avail himself of this opportunity of making some remarks in reply to the opponents of his motion.

The first objection which he thought it incumbent on him to notice was that of his friend from South Carolina, (Mr. Lowndes) who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be engrafted which was likely to give rise to a difference between the two branches of the legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, Mr. Clay said, the item in the appropriation bill next following this, and reported by the gentleman himself, was infinitely more objectionable—which was, an appropriation of thirty thousand dollars for defraying the expenses of three commissioners, appointed, or proposed to be paid, in an unconstitutional form. It could not be expected that a general appropriation bill would ever pass without some disputable clauses, and in case of a difference between the two houses, (a difference which we had no right to anticipate in this instance) which could not be compromised as to any article, the obvious course was to omit such article altogether, retaining all the others—and, in a case of that character, relative to brevet pay, which had occurred during the present session, such had been the ground the gentleman himself had taken in a conference with the senate, of which he was a manager.

The gentleman from South Carolina, Mr. Clay said, had

professed to concur with him in a great many of his general propositions; and neither he nor any other gentleman had disagreed with him, that the mere recognition of the independence of the provinces was no cause of war with Spain—except the gentleman from Maryland, (Mr. Smith) to whom he recommended, without intending disrespect to him, to confine himself to the operations of commerce, rather than undertake to expound questions of public law; for he could assure the gentleman, that, although he might make some figure, with his practical knowledge, in the one case, he would not in the other. No man, Mr. C. said, except the gentleman from Maryland, had come out with what he would call the hardihood to contend that, on the ground of principle and mere public law, the exercise of the right of recognizing another power is cause of war. But, said Mr. C. though the gentleman from South Carolina admitted, that recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we found him, shortly after, getting into a war with Spain, how, I did not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman had discovered, that the finances of Spain were in a most favourable condition! On this part of the subject, Mr. C. said, it was not necessary for him to say any thing after what the committee had heard from the eloquent gentleman from Massachusetts, (Mr. Holmes) whose voice, in a period infinitely more critical in our affairs than the present, had been heard with so much delight from the east in support of the rights and honour of the country. He had clearly shown, that there was no parallel between the state of Spain and of this country—the one of a country whose resources were completely impoverished and exhausted; the other of a country whose resources were almost untouched. But, Mr. C. said, he would ask of the gentleman from South Carolina, if he could conceive that a state, in the condition of Spain, whose minister of the treasury admits that the people have no longer the means of paying new taxes—a nation with an immense mass of floating debt, and totally without credit, could feel any anxiety to engage in war with a nation like this, whose situation was, in every possible view, directly the reverse? He asked, if an annual revenue, equal only to five-eighths of the annual expenditure, exhibited a financial ability to enter upon a

new war, when, too, the situation of Spain was altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enabled them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which had been displayed during the debate, Mr. C. was happy to find that, with one exception, every member had done justice to the struggle in the south, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me, (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad, Mr. C. said, to agree on a cartel with the gentlemen on the other side of the house, to give them his speech for his vote. The gentleman says, his heart is with us, that he ardently desires the independence of the south. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition under consideration. Who is to furnish, in this respect, the correct criterion; whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connexions, find a greater variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamen-

tal distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honourable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

But the gentleman from South Carolina, has told us, continued Mr. C. that the constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honourable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? Mr. C. said, he had stated, when up before, and he had listened in vain for an answer to the argument, that no part of the constitution had said which should have the precedence, the act making the appropriation for paying a minister, or the act of sending one. He had then contended, and now repeated, that either the acts of deputing and of paying a minister should be simultaneous, or, if either had the preference, the act of appropriating his pay should precede the sending of a minister. He challenged gentlemen to show him any thing in the constitution which directed that a minister should be sent before his payment was provided for. He repeated, what he had said the other day, that, by sending a minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion was forestalled, or unduly biassed. He appealed to the practice of the government, and referred to various acts of congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the president, asking for them. Mr. C. here quoted the act, authorising the establishment of certain consulates in the Mediterranean, and affixing salaries thereto, in consequence of which the president had subsequently appointed consuls, who had been receiving their salaries to this day: other acts he quoted, of a similar character, from which it appeared, he said, that congress had constantly

pursued the great principle of the theory of the constitution, for which he now contended—that each department of the government must act within its own sphere, independently and on its own responsibility. It was a little extraordinary, indeed, after the doctrine which had been maintained the other day, of a sweeping right in congress to appropriate money to any object, that it should now be contended that congress had no right to appropriate money to a particular object. The gentleman's (Mr. Lowndes) doctrine was broad, comprehending every case; but, when proposed to be exemplified in any specific case, it did not apply. Mr. C. said, his theory of the constitution, on this particular subject, was that congress had the right of appropriating money for foreign missions; the president the power to use it. The president having the power, he was willing to say to him, "here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you." Both being before him, the power and the means of executing it, the president would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, Mr. C. said, each department of the government would act independently, without influence from, and without interference with, the other. He had stated cases, from the statute book, to show, that, in instances where no foreign agent had been appointed, but only a possibility of there being appointed, appropriations had been made for paying them. He proceeded to show, that, even in the case of the subject matter of a negociation (a right much more important than that of sending an agent,) an appropriation of money had preceded the negociation of a treaty. Thus, in the third volume of the new edition of the laws, page twenty-seven, he quoted a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the president of the United States might deem proper to make with certain Indian tribes. An act, which had been lately referred to, appropriating two millions for the purchase of the Floridas, was a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized power. In this case, there might have been, though he believed there was not, an executive message, recommending the appropriation; but he took upon him to assert, that, in almost all the cases he had quoted, there was no previous executive intimation that the appropriation of

the money was necessary to the object—but congress had taken up the subjects, and authorized these appropriations, without any official call from the executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, Mr. C. proceeded to say, he would not take up much of the time of the house. Gentlemen were, however, much mistaken as to many of the points of their history, geography, commerce and produce, which had been touched upon. Gentlemen had supposed there would be from those countries a considerable competition of the same products which we export. Mr. C. ventured to say, that, in regard to Mexico, there could be no such competition, that the table lands were at such a distance from the sea shore, and the difficulty of reaching it was so great as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread stuffs as soon as they arrive. With respect to New Grenada, the gentleman from Maryland was entirely mistaken. It was the elevation of Mexico, principally, which enabled it to produce bread stuffs; but New Grenada, lying nearly under the line, could not produce them. The productions of new Grenada for exportation were the precious metals, (of which, of gold particularly, a greater portion was to be found than in any of the provinces except Mexico) sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela the principal productions were coffee, cocoa, indigo, and some sugar. Sugar was also produced in all the Guianas, French, Spanish, and Dutch. The interior of the provinces of La Plata might be productive of bread stuffs, but they were too remote to come into competition with us in the West India market, the voyages to the United States generally occupying from fifty to sixty days, and sometimes as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies would be found, and would show that, in the supply of the West India market with bread stuffs, the provinces could never come seriously into competition with us. And, with regard to Chili, productive as it might be, did the gentleman from Maryland suppose that vessels were going to double Cape Horn, and come into competition with us in the West Indies? It was impossible. But, Mr. C. said, he felt a reluctance at pursuing the discussion of this part of the

question; because he was sure these were considerations on which the house could not act, being entirely unworthy of the subject. We might as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion under the influence of any such considerations. It was too selfish, too mean a principle, for this body to act on, to refuse its sympathy for the patriots of the south, because some little advantage of a commercial nature might be retained to us from their remaining in the present condition—which, however, he totally denied. Three-fourths of the productions of the Spanish provinces were the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But, it seemed, that a pamphlet had recently been published on this subject, to which gentlemen had referred.—Now, said Mr. C. permit me to express a distrust of all pamphlets of this kind, unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Sarmiento, of whom perhaps the gentleman from Maryland (Mr. Smith) could give the house some information. To gentlemen thus privileged to trade with the Spanish provinces under royal authority, the effect of a recognition of the independence of the provinces would be to deprive them of that monopoly. The reputed author of the pamphlet in question, Mr. C. said, if he understood correctly, was one who had been, if he were not now deeply engaged in the trade, and he would venture to say that many of his statements were incorrect. In relation to the trade of Mexico, Mr. C. said, he happened to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appeared that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example, brandy and spirits; paper, iron, implements for agri-

culture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting, in the whole, to one-seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seemed to think improbable, Mr. C. rejoiced that he was able to congratulate the house that we have, this morning, intelligence that Mina yet lives, and the patriot flag is still unfurled, and the cause infinitely more prosperous than ever. This intelligence, he was much in hopes, would prove true, notwithstanding the particular accounts of his death; which, there was so much of fabrication and falsehood in the Spanish practice, were not entitled to credit unless corroborated by other information. Articles were manufactured in one province to produce effect on other provinces, and in this country; and he had therefore always been disposed to think that the details respecting the capture and execution of Mina were too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, Mr. C. said, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and applying these criteria to Spanish America, no nation offered higher inducements to commercial enterprize. Washed on the one side by the Pacific, on the other by the South Atlantic, standing between Africa and Europe on the one hand, and Asia on the other, lying along side of the United States; her commerce must, when free from the restraints of despotism, be immensely important; particularly when it is recollectec how great a proportion of the precious metals it produced—for that nation which can command the precious metals, may be said to command almost the resources of the world. One moment, said Mr. C. imagine the mines of the South locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain in Mexico alone, was in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy.

When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce would be proportionably great; that it yields a large revenue under the most abominable system, under which nearly three-fourths of the population are unclad, and almost as naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the condition of this country, under the operation of a different system which would let industry develop its resources in all possible forms? Such a neighbour could not but be a valuable acquisition in a commercial point of view.

Gentlemen had denied the fact of the existence of the independence of Buenos Ayres at as early a date as he had assigned to it. The gentleman from South Carolina, who was well informed on the subject, had not, Mr. C. thought, exhibited his usual candour on this part of it. When the gentleman talked of the Upper Provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the house what was the actual state of the fact, with which he was sure the gentleman was very well acquainted. In 1811 the government of Buenos Ayres had been in possession of every foot of the territory of the Vice Royalty. The war had been raging from 1811 to 1815 in those interior provinces, bordering on Lima, which had been as often as three times conquered by the enemy, and as often recovered, and from which the enemy was now finally expelled. Was this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780, the whole of the southern states were in their possession; and at an earlier date they had possession of the great northern capitals. There was, in regard to Buenos Ayres, a distinguishing trait, which did not exist in the history of our revolution. That was, that from 1810 to the present day, the capital of the republic of La Plata had been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Monte Video an army as large as Burgoyne's, captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it was, indeed, not very material under what name or under what form. The fact

of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the Vice Royalty had been a Captaincy Generalship; that it extended then only to Tucuman, whilst of late and at present the government extended to the Desaguadero, in about the sixteenth degree of south latitude. There were other reasons why there was some confusion in the number of the provinces, as stated by different writers; there was, in the first place, a territorial division of the country—then a judicial, and next a military division, and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, he, with the gentleman from South Carolina, regarded as a fact of no sort of consequence.

Mr. C. said he would pass over the report lately made to the house by the department of state, respecting the state of South America, with only one remark; that it appeared to him to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject, with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, Mr. C. declared he was mortified at hearing the report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister had not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular states whose independence he wished acknowledged? Suppose the French minister had asked of Franklin, what number of states he represented? Thirteen, if you please, Franklin would have replied. But M. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? Mr. C. said it would have comported better with the frankness of the American character, and of American diplomacy, if the secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, "at the present moment we do not intend to recognize you, or to receive or send a minister to you."

But among the charges which gentlemen had industrious-

ly brought together, the house had been told of factions prevailing in Buenos Ayres. Do not factions, Mr. C. asked, exist every where? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information was abused, Mr. C. said; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what was the fact, respecting the alleged arrest of American citizens? Buenos Ayres had been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans: he had before defeated the revolution in Chili by withholding his co-operation: the government of Buenos Ayres therefore said to him, we do not want your resources; our own army is operating; if you carry yours there it may produce dissention, and cause the loss of liberty—you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country, were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape, to Monte Video, and afterwards, where they pleased. With respect to the conduct of that government, he would only recall the attention of gentlemen to the orders which had lately emanated from it, for the regulation of privateers, which had displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shown by any government, which had on any occasion attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia had commenced his remarks the other day by an animadversion, which, Mr. C. said, he might well have spared, when he told us that even the prayers of the chaplain of this house had been offered up in behalf of the patriots. And was it reprehensible, Mr. C. asked, that an American chaplain, whose cheeks were furrowed by age, and his head as white as snow, who had a thousand times, during our own revolution, implored the smiles of heaven on our exertions—should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he could not be heard in reply? Ought he to be subject to animadversion for soliciting the favor of Heaven

on the same cause as that in which we fought the good fight, and conquered our independence? He trusted not.

But the gentleman from Georgia, it appeared, could see no parallel between our revolution, and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence neither, Mr. C. said, did ours. Such was the loyalty of the Creole character, that, although groaning under three hundred years of tyranny and oppression, they had been unwilling to cast off their allegiance to that throne, which had been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into revolution.—Mr. C. said he had it from those who had been actively engaged in our revolution; from that venerable man, (chancellor Wythe) whose memory he should ever cherish with filial regard, that a very short time before our Declaration of Independence, it would have been impossible to have got a majority of congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors; independence was then not even remotely suggested as our object.

The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the south are fighting for liberty and independence; for precisely what we fought. But their revolution, the gentleman told the house, was stained by scenes which had not occurred in ours. If so, Mr. Clay said, it was because execrable outrages had been committed upon them by the troops of the mother country, which were not upon us. Could it be believed, if the slaves had been let loose upon us in the south, as they had been let loose in Venezuela; if quarters had been refused; capitulations violated; that general Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy; mercy to both parties. The only means by which the coward soul that indulges in such enormities, can be reached, is to show to him, that they will be visited by severe but just retribution. There were traits in the history of this revolution, Mr. C. said, which showed what deep root liberty had taken in South America. He stated an instance. The only hope of a wealthy and reputable family, said he, was charged, at the

head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. "Go," said he to his companions in arms, "I alone am sufficient for its defence."—The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. Mr. Clay narrated another instance of the intrepidity of a female of the patriot party. A lady in New Grenada, had given information to the patriot forces of plans and instructions by which the capital might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming—"you shall not hear it from my mouth; I will die, and may those live who can free my country."

But the house had been asked, and asked with a triumph worthy of a better cause—why recognize this republic? Where is the use of it? And was it possible, Mr. Clay said, that gentlemen could see no use in recognising this republic? For what did this republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me, (general Bloomfield) (the high sanction of whose judgment in favour of my proposition, I fondly anticipate) with what anxious solicitude, during our revolution, he and his glorious compatriots turned their eyes to Europe, and asked to be recognized; I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognized us. The moral influence of such a recognition on the patriot of the south, will be irresistible. He will derive assurance from it of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair losing all stimulus to exertion. And, Mr. Clay asked, was there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers were yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast

this conduct of ours, said Mr. Clay, with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him: and even now, the gentleman from Maryland, (Mr. Smith) would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none—he who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister begging to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the Porte. Yes, sir, from Constantinople or from the Brazils; from Turk or Christian; from black or white; from the dey of Algiers or the bey of Tunis—from the Devil himself, if he wore a crown, we should receive a minister! We even paid the expenses of the minister of his sublime highness the bey of Tunis, and thought ourselves highly honored by his visit. But, let the minister come from a poor republic, like that of La Plata, and we turn our back on him. No, sir, we will not receive him. The brilliant costumes of the ministers of the royal governments, are seen glistening in the circles of our drawing rooms, and their splendid equipages rolling through the avenues of the metropolis: but the unaccredited minister of the republic, if he visit our president or secretary of state at all, must do it *incog.* lest the eye of Don Onis should be offended by so unseemly a sight! Mr. Clay said, he hoped the gentleman from South Carolina, who was so capable of estimating the effect of moral causes, would see some use in recognizing the independence of La Plata. He appealed to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up the colossal power of Europe. There was an example of the effect of moral power. All the patriots asked, all they wanted at our hands, was to be recognized as, what they had been for the last eight years, an independent power.

But, it seems, said Mr. Clay, we dare not do this, lest we tread on sacred ground; and an honorable gentleman from Virginia, (Mr. Smyth) who, when he has been a lit-

tle longer in this house, will learn to respect its powers, calls it an usurpation on the part of this house. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this house. That power, too, however, he admitted to belong to the executive, and traced it to an imperial source, informing us that Cæsar or somebody else, had exercised it. Sir, the gentleman has mistaken his position here: he is a military chieftain and an admirable defender of executive authority, but he has yet to learn his horn-book as to the powers of this branch of the legislature. Usurpation, Mr. Clay said, is arrogating to yourself authority which is vested elsewhere. But what was it that he proposed, to which this term had been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be an usurpation, said he, we have been usurping power from the commencement of the government to the present time. The chairman of the committee of ways and means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our constitution, in which a nation may be recognized: by the executive receiving a minister; secondly, by its sending one thither; and, thirdly, this house unquestionably has the right to recognize, in the exercise of the constitutional power of congress to regulate foreign commerce. To receive a minister from a foreign power is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. Now, the honorable gentleman from South Carolina would have preferred the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman would vote for it in that shape, I would really gratify him; all that I want to do is to convey to the president an expression of our willingness, that the government of Buenos Ayres should be recognized. Whether it shall be done by receiving a minister or sending one, is quite immaterial. It is urged that there might be an impropriety in sending a minister, not being certain, after what had passed, that he would be received; but Mr. Clay said that was one of the questions submitted to the direction of the executive,

which he would determine, upon a view of all the circumstances, and who of course would previously have an understanding that our minister would be duly respected. If gentlemen desired to know what a minister from us was to do, Mr. Clay said he would have him congratulate the republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangement which might be advantageous to our mutual interest. Have we not, asked Mr. Clay, a minister at the Brazils, a nation lying along side of the provinces of La Plata, and considering the number of slaves in it, by no means so formidable as the latter, and about equidistant from us. In reference to the strength of the two powers, that of La Plata is much the stronger, and the government of Brazils, trembling under the apprehension of the effect of the arms of La Plata, has gone farther than any other power to recognize its independence, having entered into a military convention with the republic, by which each power guarantees the possessions of the other. And we have exchanged ministers with the Brazils. The one, however, is a *kingdom*, the other a *republic*; and if any gentleman could assign any other better reason why a minister should be sent to one and not to the other of these powers, he should be glad to hear it disclosed, for he had not been able himself to discover it.

A gentleman had yesterday told the house that the news from Buenos Ayres was unfavorable. Take it altogether, Mr. Clay said, he believed it was not. But, he said, he put but little trust in such accounts. In our revolution, incredulity of reports and newspaper stories, propagated by the enemy, had been so strengthened by experience, that at last nothing was believed which was not attested by the signature of "Charles Thomson." Mr. Clay said he was somewhat similarly situated; he could not believe these reports—he wished to see "Charles Thomson" before he gave full credit to them. The vessel which had arrived at Baltimore, and which, by the way, by its valuable cargo of specie, hides, and tallow, gave evidence of a commerce worth pursuing—brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which was said to be occupied by Artigas, Mr. Clay said it constituted but a very subordinate part of the

territory of the United Provinces of La Plata; and it could be no more objection to recognizing the nation because that province was not included within its power, than it could have been to our recognition because several states held out against the adoption of the constitution. Mr. Clay repeated that before he attached any confidence to a letter not signed "Charles Thomson," he must know who the man is who writes it; what are his sources of information, his character for veracity, &c. and of all those particulars we were deprived of information in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But, said Mr. Clay, we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe would be the case, that the president had expressed an opinion one way, and we another. At so early a period of our government, because a particular individual fills the presidential chair; an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends, is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance—are the principles of the Stewarts, to be revived in this free government? Is an opinion to be suppressed and scouted because it is in opposition to the opinion of the president? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character—I shall not hesitate to express my opinions, coincident or not with those of the executive. But, Mr. Clay said that he could show that this cry had been raised on the present occasion, without reason. He supposed a case: that the president had sent a minister to Buenos Ayres, and this house had been called on to make an appropriation for the payment of his salary. He asked of gentlemen whether in that case they would not have voted an appropriation? And had not the house a right to deliberate on the propriety of doing so, as well before as after a minister was sent? Would gentlemen please to point out the difference? I contend, said Mr. Clay, that we are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad.

But, apart from this view of the question, as regarded the executive power, this house, Mr. Clay said, had the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we passed an act to regulate trade between the United States and Buenos Ayres, the existence of the nation would be thereby recognized—as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland, (Mr. Smith) and the gentleman from Virginia, (Mr. Smyth) the great champion of executive power, and the opponent of legislative authority, had contended that recognition would be cause of war. Mr. Clay said these gentlemen were reduced to this dilemma. If it was cause of war the executive ought not to have the right to produce a war upon the country without consulting congress. If it was no cause of war, it is an act which there was no danger in performing. There would be very little difference in principle between vesting the executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But Mr. Clay denied that it was cause of war; but, if it were, the sense of congress ought certainly in some way or other to be taken on it, before that step was taken. He knew, he said, that some of the most distinguished statesmen in the country, had taken the view of this subject, that the power to recognize the independence of any nation did not belong to the president; that it was a power too momentous and consequential in its character to belong to the executive. His own opinion, Mr. Clay confessed, was different, believing the power to belong to either the president or congress, and that it might, as most convenient, be exercised by either. If aid was to be given, to afford which would be cause of war, however, congress alone could give it.

This house, then, Mr. Clay said, had the power to act on this subject, even though the president had expressed his opinion; which he had not, further than, as appeared by the report of the secretary of state, to decide that in January last, it would not be proper to recognize them. But, Mr. Clay said, the president stood pledged to recognize the republic, if, on the return of the commissioners, whom he has deputed, they should make report favorable to the stability

of the government. Those commissioners sailed in December last, and might be expected to return in three or four months from this time. When they returned, then, congress would not be in session. The president thus standing pledged, said Mr. Clay, I ask, if we, who are disposed to invest him with the means of recognizing that independence, of redeeming his pledge, are not the true friends of the executive, and whether the opponents of this motion do not act as though they were not his friends. Suppose the chairman of the committee of foreign relations had reported a provision for an appropriation of that description which I propose, said Mr. Clay, should we not all have voted for it? And could any gentleman be so pliant, as on the mere ground of an executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a republic is so independent that we may fairly take the step of recognition of it? He hoped that no such submission to the executive pleasure would characterize this house.

One more remark, and, Mr. Clay said, he had done. One gentleman told the house that the population of the Spanish provinces was eighteen millions; that we, with a population of two millions only, had conquered our independence—and that, if the southern provinces willed it, they must be free. This population, Mr. Clay said, he had already stated, consisted of distinct nations, having but little, if any, intercourse, the largest of which was Mexico; and they were so separated by immense distances, that it was impossible there should be any co-operation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians—to which adding the great influence of the clergy, and it would be seen how widely different the circumstances of Spanish America were from those under which the revolution in this country was brought to a successful termination. He had already shown how deep rooted was the spirit of liberty in that country. He instanced the little island of Margarita, against which the whole force of Spain had been in vain directed; containing a population of only sixteen thousand souls, but where every man, woman and child was a Grecian soldier in defence of freedom. For many years the spirit of freedom had been

struggling in Venezuela, and Spain had been unable to conquer it. Morillo, in an official despatch transmitted to the minister of marine of his own country, avows that Angostura and all Guayana are in possession of the patriots, as well as all the country from which supplies could be drawn. According to the last accounts, Bolivar and other patriot commanders were concentrating their forces and were within one day's march of Morillo; and if they did not forsake the Fabian policy, which was the true course for them, the result would be that even the weakest of the whole of the provinces of Spanish America, would establish its independence, and secure the enjoyment of those rights and blessings which rightfully belong to it.

ON THE TARIFF.

Speech on the Tariff, delivered in the House of Representatives, 26th April, 1820.

Mr. Chairman: Whatever may be the value of my opinions on the interesting subject now before us, they have not been hastily formed. It may possibly be recollectcd by some gentlemen, that I expressed them when the existing tariff was adopted: and that I then urged, that the period of the termination of the war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed, in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes, and the instruments of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch

has arisen; and it becomes us deliberately to contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed channel. We double our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall double, during the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from the simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience the want of capacity in Europe to consume our surplus produce. Take the great articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it be more and more used as a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet quite *limited*—limited by the number of persons who use it, by their wants, and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand, (as I believe we have) we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and

clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that we have already passed its limits. It appears to me, then, that, if we consult our interest merely, we ought to encourage home manufactures. But there were other motives to recommend it, of not less importance.

The wants of man may be classed under three great heads—food, raiment, and defence. They are felt alike in the state of barbarism and of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants without giving an equivalent, he is a beggar or a robber; if, by promising an equivalent which he cannot give, he is fraudulent; and if, by a commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not, in fact, independent. Nor is it any consolation for our dependence upon other nations, that they also are dependent upon us, even were it true. Every nation should anxiously endeavor to establish its absolute independence, and consequently be able to feed and clothe and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation yielding it, by war with it, or even by war with other nations, it cannot be independent. But it is not true that any other nations depend upon us in a degree any thing like equal to that of our dependence upon them, for the great necessities to which I have referred. Every other nation seeks to supply itself with them from its own resources; and, so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of other powers, that, in some instances, they even prohibit the produce of the industry of their own colonies, when it comes into competition with the produce of the parent country. All other countries but our own exclude, by high duties, or absolute prohibitions, whatever they can respectively produce within themselves. The truth is, and it is in vain to disguise it, that we are a sort of independent colonies of En-

gland—politically free, commercially slaves. Gentlemen tell us of the advantages of a free exchange of the produce of the world. But they tell us of what has never existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, whilst, in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they cannot possibly do without. I will hereafter examine their favourite maxim, of leaving things to themselves, more particularly. At present I will only say, that I too am a friend to free trade, but it must be a free trade of perfect reciprocity. If the governing consideration were cheapness; if national independence were to weigh nothing; if honor nothing; why not subsidize foreign powers to defend us? why not hire Swiss or Hessian mercenaries to protect us? why not get our arms of all kinds, as we do, in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections, which should induce us to avoid its introduction into this country: and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, &c. It would be a strange order of providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them without the degradation or contamination of our species.

Pauperism is, in general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and, from whatever cause the disproportion of a population to the subsisting faculty of a country, may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish, respecting the manufacturing. It was not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honourable professions of law and physic, because the one produces the *pettifogger*, and the other the

quack. Even in England it has been established by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural than in the manufacturing districts; thus proving that the cause of wretchedness and vice, in that country, was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. Whilst this resource exists we have nothing to apprehend. Do capitalists give too low wages; are the labourers too crowded, and in danger of starving? the unsettled lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted along side of, and attached to, the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of the population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware that whilst the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able bodied men. If we suppose the aggregate of the labor of all the individuals which she employs in that branch of industry, to be equal to the united labor of two millions of able bodied men, (and

I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the west. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There, some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort reigned throughout the whole establishment. The daughters of respectable farmers—in one instance I remember the daughter of a senator in the state legislature, were usefully employed. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and, after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are there engaged so beneficially to themselves, and so usefully to the state? Can it be doubted that if the crowds of little mendicant boys and girls who infest this edifice, and assail us, every day, at its very thresholds, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system, should recollect, that constant occupation is the best security for innocence and virtue; and that idleness is the parent of vice and crime. They should contemplate the labouring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard task masters among the manufacturers, so

also are there in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufactures, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expression "spinning jenny tenure." It is one of the noblest inventions of human skill. It has diffused comforts among thousands who, without it, would never have enjoyed them; and millions yet unborn will bless the man by whom it was invented. Three important inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country was entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton gin tenure, or a steam boat tenure?

In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system, an aversion from it in the other. The habits of generation after generation pass down the long tract of time in perpetual succession, without the slightest change in agriculture. The ploughman who fastens his plough to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufactures by the proposed tariff will be, to diminish the revenue from the customs. The amount of the revenue from that source will depend upon the amount of importations, and the measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there can be no doubt that, under any distribution of the

labor and capital of this country from the greater allurements which agriculture presents than any other species of industry, there would be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home to a foreign market, in the same proportion. It is true that we cannot remain in the relation of seller, only to foreign powers, for any length of time; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limits of the foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption in consequence of the augmentation of duties does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before possessed.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid; and we are afterwards constrained, by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war, between the interest of the government and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war the revenue disappears; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergencies, such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute to the

revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry you will lay a basis of internal taxation, when it gets strong, that will be steady and uniform, yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the state to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals, who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort, and well being of society, that fabrication, as well as the business of production and distribution should be supported and taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign articles, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory, by the competition which will be elicited, in consequence of your parental care, prices will be ultimately brought down to a level with that of the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation, during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as in peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply, in all seasons, and the ultimate reduction of the price for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. Archer) has adduced. He says during the war the price of that article rose to ten dollars per bushel, and he asks, if you would lay a duty, permanent in its duration, of three dollars per bushel to secure a supply in war. I answer no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount

only to two dollars. If the recurrence of war, shall be only after intervals of forty years peace, (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of burthens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and reaction. The harmony of its parts is disturbed—the discipline which is necessary to its order is incomplete, when one of the three great and essential branches of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling below, rather than exceeding income, you will go to the well regulated family of a farmer. You will go to the house of such a man as Isaac Shelby. You will not find him haunting taverns, engaged in broils, prosecuting angry law suits. You will behold every member of his family clad with the produce of their own hands, and usefully employed; the spinning wheel and the loom in motion by day break. With what pleasure will his wife carry you into her neat dairy, lead you into her store house, and point you to the table cloths, the sheets, the counterpanes which lie on this shelf for one daughter, or on that for another, all prepared in advance by her provident care for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who manufactures nothing at home, whose family resorts to the store for every thing they consume. You will find him perhaps in the tavern, or at the shop at the cross roads. He is engaged, with the rum grog on the table, taking depositions to make out some case of usury or fraud. Or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court days (he never misses attending them,) you will find him eagerly collecting his witnesses to defend himself against the merchants' and doctors' claims. Go to his house, and, after the short and giddy period that his wife and daughters have flirted about the country in their calico and muslin frocks, what a scene of discomfort and distress is presented to you there! What the individual family of Isaac Shelby is, I wish to see the

nation in the aggregate become. But I fear we shall shortly have to contemplate its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the management of their own affairs, they would have much surer guides, in promoting the interests of the state, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves, our present actual position, in relation to other powers. During the protracted war which has so long convulsed all Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared, with England, the carrying trade of the world. Now, every other nation is anxiously endeavouring to transact its own business, to rebuild its marine and to foster its navigation. The consequence of the former state of things was, that our mercantile marine and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, as the exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish the mercantile class could enjoy the same extensive commerce that they formerly did. But, if they cannot, it would be a folly to repine at what is irrecoverably lost, and we should seek rather to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of our foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market and consumed by devouring expenses, merely to give employment to our tonnage and our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what was wanting abroad; but cargoes for our unemployed ships. I would give to our foreign trade every legitimate encouragement, and extend it whenever it can be extended profitably. Hitherto it had been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are re-

luctant to believe that we must submit to its necessary abridgment. The habits of trade; the tempting instances of enormous fortunes which had been made by the successful prosecution of it, were such that we turn with regret from its pursuit; we still cherish a lingering hope; we persuade ourselves that something will occur, how and what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black Sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in the possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country to employ themselves in fabrication at home. There was no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it would always come up to the foreign demand. Such were the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it would always be preferred when it can profitably be followed. The foreign demand would, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exports would form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favourable to the maintenance of peace. Foreign commerce is the great source of foreign wars. The eagerness with which we contend for every branch of it; the temptations which it offers, operating alike upon us and our foreign competitors, produce constant collisions. No country on earth, by the extent of its superficies, the richness of its soil, the variety of its climate, contains within its own limits more abundant faculties for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as

we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the counsels of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the orders in council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burthens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and the larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry, is favourable to the preservation and strength of our confederacy. Now our connexion is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connexion which consists of the exchange of the produce of our labor. On our maritime frontier there has been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home and there would instantly arise animation and a healthful circulation throughout all the parts of the republic. The cheapness, and fertility, and quantity of our waste lands, offered such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection by presenting to capital and labor, motives for employment in other branches of industry. Nothing is more uncertain, than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, *a priori*, the amount of this surplus; and, in the second, it is equally impossible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of

years, have employed a larger share of its capital and labor than is wise, in production to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labours another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessities of life, I shall have only established one half of what is incumbent upon me to prove. It will still be required by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, we agree with you; you are right in your first proposition, but, "let things alone," and they will come right in the end. Now, I agree with them, that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin of the country. Dissolve government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, let things alone! If gentlemen, by their favourite maxim, mean only that, within the bosom of the state, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things be left alone, in respect not only to interior action, but to exterior action also; not only as regards the operation of our

own government upon the mass of the interests of the state, but as it relates to the operation of foreign governments upon that mass; I dissent from it.

This maxim, in this enlarged sense, is indeed every where proclaimed; but no where practised. It is truth in the books of European political economists. It is error in the practical code of every European state. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and even here its friends propose to limit it to the single branch of manufacturing industry, whilst every other interest is encouraged and protected according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There every thing has found its place and its level, and every thing, one would think, might there be safely left alone. But the policy of the European states is otherwise. Here every thing is new and unfixed. Neither the state, nor the individuals who compose it, have settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists. First, that there should be perpetual peace; and secondly, that the maxim should be every where respected. When war breaks out, that free and general circulation of the produce of industry, among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply of its necessities, must be subjected to the greatest inconvenience. If it be not every where observed, there will be, between the nation that does not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity; if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions, will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they

require that we shall act upon the social system, whilst every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly occlude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of the trade which the contracted policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And, is national honor, is national independence to count as nothing? I will not enter into a detail of the restrictions with which we are every where presented in foreign countries. I will content myself with asserting that they take nothing from us which they can produce themselves, upon even worse terms than we could supply them. Take, again, as an example, the English corn laws. America presents the image of a fine generous hearted young fellow, who has just come to the possession of a rich estate—an estate, which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he asks those jews to buy any thing which his state produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him, that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country, to the influence of the restrictive systems of other countries, without an effort to protect and preserve it, is not itself observed by

the same gentleman, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding a restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign states. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session, prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the house to pass it. But the subject was postponed until the next session, when it was passed by nearly a unanimous vote; the gentleman from South Carolina, and the two gentlemen from Virginia, (Messrs. Barbour and Tyler,) voting with the majority. We have now upon our table other bills connected with that object, and proposing restriction upon the French tonnage to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations in our statute book. The whole system of the general government, from its first formation to the present time, consists almost exclusively, in one unremitting endeavor to nourish, and protect, and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favourite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the parental favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the state. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness and abundance and fertility of our land, afford to that greatest interest of the state almost all the protection it wants. As it should be, it is strong and flourishing; or, if

it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending as we do altogether upon a foreign market, for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And whatever depression it may now experience, it is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per centum; the reduction in the wages of labor; and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this house of the effects of inadequate protection. We were called upon, at that time, by the previous pledges we had given, by the inundation of foreign fabrics which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; but let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First there came the embargo; then non-intercourse, and other restrictive measures followed, and finally that greatest of all stimuli to domestic fabrication, war. During all that long period we were adding, to the positive effect of the measures of government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will and the public wish to foster our home manufactures, and to render our confederacy independent of foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers (as I do with those of metaphysicians and novelists) and, if

I do not forget, one of the best among them, enjoins it upon a country to protect its industry against the injurious influence of the prohibitions and restrictions of foreign countries, which operate upon it.

Monuments of the melancholy effects, upon our manufactures, and of the fluctuating policy of the councils of the union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprung up but yesterday in the western country, under the excitement to which I have referred, have dwindled into decay and are abandoned. In New England, in passing along the highway, one frequently sees large and spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, without any appearance of activity, and enveloped in solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for *facts* to show the expediency and propriety of extending protection to our manufactures. Do they want stronger evidence than the condition of things I have pointed out? They ask why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, the answer is obvious; there is a general dismay; there is a want of heart; there is the greatest moral discouragement experienced throughout the nation. A man who engages in the manufacturing business is thought by his friends to be deranged. Who will go to the site on which lie the ruins of Carthage or Balbec to rebuild a city there? Let government commence a systematic, but moderate support of this important branch of our industry. Let it announce its fixed purpose, that the protection of manufactures against the influence of the measures of foreign governments will enter into the scope of our national policy. Let us substitute to the irregular action of our measures one that shall be steady and uniform: and hope and animation and activity will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the house rejected, having for its object to ascertain the profits now made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interests we wish to have protected. From the infinite variety of circumstances under which different manufacturing establishments

are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this house. It may happen, that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and that of Brunswick in Maine. The former has the advantages of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a mechanist of most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England; to such perfection as to reduce the cost of weaving a yard of cloth adapted to shirting to less than a cent per yard; while it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well. Whilst that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is labouring arduously. Would gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there were, no doubt, always some individuals who were successful in prosecuting them. Would it be fair to argue from these instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts, (Mr. Whitman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter, (the west) from which it emanates. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this house. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the

D d

undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked with peculiar emphasis, against their protection. The honorable gentleman a friend to manufacturers! And yet he requires (if his constitutional difficulty could be removed) such an arrangement of the tariff as shall please him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of western politicians in endeavoring to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex Junto for foreign trade and British fabrics (I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit) is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion, that the foreign trade is to be crushed by the tariff, is it not strange that the whole of the representation from all our great commercial metropolises should unite to destroy it? The member from Boston (to whose national and disinterested course I am happy, on this, as on many other occasions, to be able to testify;) the representatives from the city of New York, from Philadelphia, and from Baltimore, all entered into this confederacy, to destroy it, by supporting this mad and ruinous scheme. Some gentlemen assert that it is too comprehensive. But its chief recommendation to me is, that it leaves no important interest unprovided for.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected, and held up as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents; the proposed tariff ten cents per gallon. We tax foreign spirits very high, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If

(which I do not believe will immediately be the case, to any considerable extent) the manufacture of spirits from molasses should somewhat decline under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same ratio. Besides the incidental advantage of increasing our security against the effect of seasons of scarcity, by increasing the distillation of spirits from grain, there was scarcely any item in the tariff which combined so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefitted by the duty. Its operation is said, however, to be injurious to a certain quarter of the union. It was not to be denied, that each particular section of the country would feel some one or more articles of the tariff to bear hard upon it, during a short period; but the compensation was to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the union would more largely than New England, share in the aggregate of the benefits resulting from the tariff. But the habits of economy of her people, their industry, their skill, their noble enterprize, the stimulating effects of their more rigorous climate, all tend to ensure to her the first and the richest fruits of the tariff. The middle and the western states would come in afterwards for their portion, and all would participate in the advantage of internal exchanges and circulation. No quarter of the union could urge, with a worse grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the union participated more extensively in the benefits flowing from the general government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There was expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expenses incident to their remaining in port, chiefly took place there. That great drain on the revenue, the revolutionary pension law, inclined principally towards New England. I do not however complain of these advantages which she enjoys. She is, probably, fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them, when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The entire independence of my country on all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted. We have indeed great difficulties to contend with; old habits—colonial usages—the obduracy of the colonial spirit—the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavour to acquire for the present congress, the merit of having laid this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked, what have you done to remedy the disorders of the public currency? Why, Mr. secretary of the treasury made us a long report on that matter, containing much valuable information, and some very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the treasury? We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them, and we have authorized a loan. You have done something, then, certainly, on the subject of retrenchment. Here, at home, we are practising the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee, (gen. Cocke) fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty-thousand dollars of that sum were still wanted, although we stopt the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After near two days debate, and a division between the two houses, we struck off two hundred dollars from the salary

of the clerk of the attorney general. What have you done to protect home industry from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry. Well, surely, you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy? No; the senate could not agree on that subject, and the bankrupt bill failed! Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry, which this bill proposes? No, sir, almost daily, throughout the session, have we been receiving petitions, with which our table is now loaded, humbly imploring us to extend this protection. Unanimous resolutions from important state legislatures have called upon us to give it, and the people of whole states in mass—almost in mass, of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest, and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and the sufferings of the people.

ON THE SPANISH TREATY.

Speech on the Spanish Treaty, delivered in the House of Representatives, Monday, 3d April, 1820.

The house having resolved itself into a committee of the whole, on the state of the union; and the following resolutions, submitted some days ago by Mr. Clay (the speaker) being under consideration:

1. Resolved, that the Constitution of the United States vests in congress the power to dispose of the territory belonging to them, and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of congress.

2. Resolved, that the equivalent proposed to be given by Spain to the United States in the treaty concluded between them, on the twenty-second February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign power, or to renew the aforesaid treaty—

Mr. Clay said, that, whilst he felt very grateful to the house for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honour of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with Spain. In coming to the present session of congress, it had been his anxious wish to be able to concur with the executive branch of the government in the measures which it might conceive itself called upon to recommend on that subject, for two reasons, of which, the first, relating personally to himself, he would not trouble the committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several co-ordinate branches. In time, however, of peace it might be allowable to those who are charged with the

public interests to entertain and express their respective views, although there might be some discordance between them. In a season of war there should be no division in the public councils; but an united and vigorous exertion to bring the war to an honourable conclusion. For his part, whenever that calamity may befall his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be honorably and gloriously terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He conceded entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There are two systems of policy, he said, of which our government had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America and the observance of a strict neutrality. The other was, by appealing to her justice also and to her fears, to prevail upon her to redress the injuries of which we complain,—her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed what effect the other system would have produced; but he verily believed that, whilst it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the president recommended an enforcement of the provisions of the treaty. After three months deliberation, the committee of foreign affairs, not being able to concur with him, he has made us a report recommending the seizure of Florida in the nature of a reprisal. Now the president recommends our postponement of the subject until the next session. It had been his (Mr. Clay's) intention, whenever the committee of foreign affairs should engage

the house to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the house and of the executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur during the session, for considering the propriety of recognizing the independent governments of South America.

Whatever Mr. C. might think of the *discretion* which was evinced in recommending the postponement of the bill of the committee of foreign relations, he could not think that the reasons, assigned by the president for that recommendation, were entitled to the weight which he had given them. Mr. C. thought the house was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another co-ordinate branch of the government, upon the avowed ground of the interposition of foreign powers. And what is the nature of this interposition? It is evidenced by a cargo of scraps gathered up from this charge d'affaires, and that—of loose conversations held with this foreign minister, and that—perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his imperial majesty; and what was the character of his commitment we shall presently see. But, Mr. C. said, he must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would *they* not repel as officious and insulting intrusion, any interference on our part in their concerns with foreign states? Would his imperial majesty have listened, with complacency, to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland, and with the spoils of Poland, and, whilst the difficult process of digestion is going on, he throws

himself upon a couch, and cries out—don't, don't disturb my repose.

He charges his minister here to plead the cause of peace and concord! The American "government is too enlightened" (ah! sir, how sweet this unction is, which is poured down our backs,) to take hasty steps. And his imperial majesty's minister here is required to *engage* (Mr. C. said he hoped the original expression was less strong, but he believed the French word *engager* bore the same meaning,) the American government, &c." "Nevertheless the emperor does not interpose in this discussion." No! not he. He, makes above all "no pretension to exercise influence in the councils of a foreign power." Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial majesty has at least manifested so far, in this particular, his capacity to govern his empire, by the selection of a sagacious minister. For if count Nesselrode had never written another paragraph, the extract from his despatch to Mr. Poletica, which has been transmitted to this house, will demonstrate that he merited the confidence of his master. It is quite refreshing to read such state papers, after perusing those (he was sorry to say it, he wished there was a veil broad and thick enough to conceal them forever,) which this treaty had produced on the part of our government.

Conversations between my lord Castlereagh and our minister at London had also been communicated to this house. Nothing from the hand of his lordship is produced; no! he does not commit himself in that way. The *sense* in which, our minister understood him, and the purport of certain parts of despatches from the British government to its minister at Madrid, which he deigned to read to our minister, are alone communicated to us. Now we know very well how diplomats, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my lord Castlereagh, who is also an able minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. Mr. C. recollects himself once to have witnessed this facility, on the part of his lordship. The case was this. When Bonaparte made his escape from Elba and invaded France, a great part of

Europe believed it was with the connivance of the British ministry. The opposition charged them, in parliament with it, and they were interrogated to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating, that there was an *understanding* with a *certain* naval officer of high rank, commanding in the adjacent seas, that he was to *act* on certain *contingencies*. Now, Mr. Chairman, if you can make any thing intelligible out of this reply you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the counsels of all our wisest politicians,—those of Washington, Jefferson, and he would also add those of the present chief magistrate; for, pending this very Spanish negociation, the offer of the mediation of foreign states was declined, upon the true ground that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high, his conscience his guide, the world his spectators, and posterity *his* judge. His position is one, therefore, of the greatest responsibility. But what responsibility is attached to this sort of irregular, drawing room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the disposition of foreign powers. He regretted for his part, that they had at all been consulted. There was nothing in the character of the power of Spain; nothing in the beneficial nature of the stipulations of the treaty to us, which warranted us in seeking the aid of foreign powers, if in any case whatever that aid were desirable. He was far from saying that, in the foreign action of this government, it might not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people,—never promulgate to foreign powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to *invite* further interposition. It might, in process of time, create

in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government the united testimony of all history admonished a republic to be most guarded against it. From the moment Philip intermeddled with the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. C. we could see the communications which have passed between his imperial majesty and the British government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose the same language has been held to Spain and to us? Do you not, on the contrary, believe, that sentiments have been expressed to her, consoling to her pride? That we have been represented, perhaps, as an ambitious republic, seeking to aggrandize ourselves at her expense?

In the other ground taken by the president, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, Mr. C. was also sorry to say that it did not appear to him to be solid. He could well conceive how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him successfully to resist those demands. Nor would it comport with the practice of our government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the Peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language without departing from the respect due to this house or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the Peninsula themselves, (if we are to believe the late accounts, and God send that they may be true,) are struggling for liberty?

Again: when we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment or distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst he could not, therefore, Mr. C. said, persuade himself, that the reasons assigned by the president for postponing the subject of our Spanish affairs until another session, were entitled to all the weight which he seemed to think belonged to them, he did not nevertheless regret that the particular project recommended by the committee of foreign relations was thus to be disposed of; for it was war—war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past, and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained which he had had the honour of submitting, it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end; that it contained in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they had acquired all the additional force which the intervening time and the faithlessness of Spain can communicate to them. Standing on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant in the vain hope of bringing it back to life.

Has the house of representatives a right to express its opinion upon the arrangement made in that treaty? The president, by asking congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, 1st, if there be a treaty; 2dly, if we ought to carry it into effect; and, 3dly, if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the president intimated in his opening message.

The first resolution which he had presented, asserted that the constitution vests in the congress of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of congress.* It was far from his wish to renew at large a discussion of the treaty-making power. The constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that in a government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was, that no treaty could constitutionally transcend the very objects and purposes of the government itself. He thought, also, that wherever there were specific grants of powers to congress, they limited and controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist that the treaty-making power could not act upon the subjects committed to the charge of congress; he merely contended that the concurrence of congress in its action upon those subjects was necessary. Nor would he insist that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of congress, on the one hand, by the executive, or

* The proposition which it asserts was, he thought, sufficiently maintained by barely reading the clause in the constitution on which it rests: "The congress shall have power to dispose, &c. the territory or other property belonging to the United States."

on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware, that it would be very often highly inconvenient to deliberate, in a body so numerous as congress, on the nature of those terms on which it might be proper to treat with foreign powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interests of this country. For, with all respect to the president and senate, it could not disparage the wisdom of their councils, to add to that of this house also. But, if the concurrence of this house be not necessary in the cases asserted; if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of government. To contract alliances; to stipulate for raising troops to be employed in a common war about to be waged; to grant subsidies, even to introduce foreign troops within the bosom of the country, were not unfrequent instances of the exercise of this power; and if in all such cases the honour and faith of the nation were committed, by the exclusive act of the president and senate, the melancholy duty alone might be left to congress of recording the ruin of the republic.*

Supposing, however, that no treaty which undertakes to dispose of the territory of the United States is valid, without the concurrence of congress, it may be contended that such treaty may constitutionally fix the limits of the territory of the United States, where they are disputed, without the co-operation of congress. He admitted it, when the fixation of the limits simply was the object. As in the case of the river St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty of Spain in 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces

* The house of representatives has uniformly maintained its right to deliberate upon those treaties, in which their co-operation was asked by the executive. In the first case that occurred in the operation of our government, that of the treaty, commonly called Mr. Jay's treaty, after general Washington refused to communicate his instructions to that minister, the house asserted its rights, by fifty odd votes to thirty odd. In the last case that occurred, the convention in 1815 with Great Britain, although it passed off upon what was called a compromise, this house substantially obtained its object; for, if that convention operated as a repeal of the laws with which it was incompatible, the act which passed was altogether unnecessary.

the fact; it proclaims in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it cannot, under colour of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of congress, whole provinces. If the subject be one of a mixed character, if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the president must come here for the consent of congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negociation were not engaged so much in an inquiry where the limit of Louisiana *was*, as that they were exchanging overtures as to where it *should be*. Hence, we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine. A vast desert is proposed to separate the territories of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions; the first of which was, that the equivalent granted by Spain to the United States for the province of Texas was inadequate. To determinate this it was necessary to estimate the value of what we gave and of what we received. This involved an inquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the government, our title to Texas, which had been constantly maintained, by the executive for more than fifteen years past, under three several administrations. He was at the same time ready and prepared to make out our title, if any one in the house were fearless enough to controvert it. He would, for the present, briefly state, that the man who is most familiar with the transactions of this government, who largely participated in the formation of

our constitution, and all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans. [Here Mr. C. read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte, in which they say,—“The facts and principles which justify this conclusion, are so satisfactory to their government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described.”] The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle,—the priority of discovery and of occupation by France. Spain had first discovered and made an establishment at Pensacola; France at Dauphine island in the bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements, being that the unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 3, first discovered that river. In 1685, he made an establishment on the bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco, and the Rio del Norte, about the midway line, became the common boundary.

All the accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports in the gulf of Mexico. The productions of which it was capable, were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect

them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our continent; and the same Mississippi, from whose rich deposit, the best of them (Louisiana,) has been formed, will transport on her bosom the brave, the patriotic men from her tributary streams, to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we *shall* want it; or, to speak more correctly, we want no body else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the arrondizement of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is inclosed in between Alabama and Georgia, and cannot escape. Texas may. Whether we get Florida now, or some five or ten years hence, it is of no consequence, provided no other power gets it; and if any other power should attempt to take it, an existing act of congress authorises the president to prevent it. He was not disposed to disparage Florida, but its intrinsic value was incomparably less than that of Texas. Almost its sole value was military. The possession of it would undoubtedly communicate some additional security to Louisiana, and to the American commerce in the gulf of Mexico. But it was not very essential to have it for protection to Georgia and Alabama. There could be no attack upon either of them, by a foreign power, on the side of Florida. It now covered those states. Annexed to the United States, and we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense. The acquisition of it was certainly a fair object of our policy; and ought never to be lost sight of. It is even a laudable ambition in any chief magistrate to endeavour to illustrate the epoch of his administration, by such an acquisition. It was less necessary, however, to fill the measure of honors of the present chief magistrate, than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our confederacy, it is our business, as the representatives of that people, who are to pay the price of it, to take care, as far as we constitutionally

can, that too much is not given. He would not give Texas for Florida in a naked exchange. We were bound by the treaty to give not merely Texas, but five millions of dollars, also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars!

The public is not generally apprized of another large consideration which passed from us to Spain; if an interpretation which he had heard given to the treaty were just; and it certainly was plausible. Subsequent to the transfer, but before the delivery of Louisiana from Spain to France, the then governor of New Orleans (he believed his name was Gayoso,) made a number of concessions upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand, and a million acres of land, similar to those recently made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amité, in the present state of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognized, but have constantly denied the validity of these concessions. It is contended by the parties concerned, that they are confirmed by the late treaty. By the second article, his catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the *eastward* of the Mississippi, known by the name of *East and West Florida*. And by the eighth article, all grants of land made before the twenty-fourth January, 1818, by his catholic majesty, or by his *lawful authorities*, shall be ratified and confirmed, &c. Now, the grants in question having been made long prior to that day, are supposed to be confirmed. He understood from a person interested, that Don Onis had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he (Mr. C.) did not know. It will not be pretended, that the letter of Mr. Adams, of the twelfth March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the state of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not by what is out of it. The overtures which passed between the parties respectively, prior to the

conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied in 1811 the country between the Mississippi and the Perdido, he declared, that, in our hands it should be, as it has been, subject to negociation.

It results, then, that we have given for Florida, charged and encumbered as it is:—

1st, Unincumbered Texas.

2d, Five millions of dollars.

3d, A surrender of all our claims upon Spain, not included in that five millions; and,

4th, If the interpretation of the treaty which he had stated were well founded, about a million of acres of the best un-seated land in the state of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution was thus, Mr. C. thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign power. They constituted, in his opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. He wished it was, if it were not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It was quite evident that it was in the order of Providence; that it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing on the prairies of Texas, temples dedicated to the simple, and devout modes of worship of God incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the Inquisition and of superstition. He knew that there were honest and enlightened men who feared that our confederacy was already too large, and that there was danger of disruption, arising out of the want of reciprocal coherence between its several parts. He hoped and believed that the principle of representation, and the formation of states, would preserve us an united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry

along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate; and their's began with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negociation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it; and she has liberated us from it. Is it wise to renew the negociation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the committee would allow him to use it, furnished him with a figure,—shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestibly our importunity to procure the ratification, and the hopes which that importunity inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told, by the secretary of state, in the bold and confident assertion, that Don Onis was authorized to grant us *much* more, and that Spain *dare* not deny his instructions? The line of demarcation is *far* within his limits? If she would have then granted us more; is her position now more favorable to her in the negotiaction? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power, as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiaction, taking the treaty

as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation that we shall not recognize the patriots.—Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still *palters*, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty were abandoned; if we were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival, he would not think it advisable for this house to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the house to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others would discharge their's according to their own sense of them.

MISSION TO SOUTH AMERICA.

House of Representatives, May, 1820.

The house being in committee of the whole, on the state of the Union, and a motion being made to that effect, the committee resolved to proceed to the consideration of the following resolutions:

Resolved—That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the president, by and with the advice and consent of the senate, may send to any of the governments of South America, which have established and are maintaining, their independence on Spain.

Resolved—That provision ought to be made for requesting the president of the United States to cause to be presented to the general, the most worthy and distinguished, in his opinion, in the service of any of the independent governments of South America, the sword which was given by the viceroy of Lima to captain Biddle of the Ontario, during her late cruise in the Pacific, and which is now in the office of the department of state, with the expression of the wish of the congress of the United States, that it may be employed in the support and preservation of the liberties and independence of his country.

When Mr. Clay arose and said: It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it to this house, by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the constitution, to prohibit the carrying of foreigners in the public vessels, and to limit to the case of our own citizens, and to regulate, in that case, the transportation of money in them, has, perhaps, sufficiently animadverted on the violation of the constitution, which produced that resolution. I confess that when I heard of captain Biddle receiving from the deputy of a king the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the surgeon on board an American

man-of-war, in the bay of Naples, (I regret that I do not recollect his name, as I should like to record with the testimony which I with pleasure bear to his high minded conduct) who, having performed an operation on one of the suite of the emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skillful service, returned the purse, and said that what he had done was in the cause of humanity, and that the constitution of his country forbade his acceptance of the proffered boon. There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the time of captain Biddle's interposition was unfortunate to produce an agreement between the viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the royalists. After the memorable battle of Maipu, decisive of the independence of Chili, and fatal to the arms of the viceroy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for royalists, appeared to me also highly improper. If we wish to preserve, unsullied, the illustrious character, which our navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am unnecessarily to press reprehension. It is thought, moreover, by some, that the president might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.

There is no connexion intended, or, in fact, between that resolution and the one I now propose briefly to discuss. The proposition to recognize the independent governments of South America offers a subject of as great importance as any which could claim the deliberate consideration of this house.

Mr. Clay then went on to say, that it appeared to him the

object of this government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negotiations with the parent country. The house were now apprized, by the message from the president, that this policy had totally failed; it had failed, because our country would not dishonour itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course toward the patriots, as Mr. Gallatin said in his communication read yesterday, greatly exceeding in rigour the course pursued towards them either by France or England; although, also, as was remarked by the secretary of state, we had observed a neutrality so strict that blood had been spilt in enforcing it—still, Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognize the independence of the south; but we nevertheless grant her all she demands.

Mr. Clay said, it had been his intention to have gone into a general view of the course of policy which has characterized the general government; but on account of the lateness of the session, and the desire for an early adjournment, he should waive for that purpose, and in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the house a proposition having nearly the same object as this.

After the return of our commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the government of Buenos Ayres, the whole nation looked forward to the recognition of the independence of that country as the policy which the government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that government would follow as a matter of course. The surprise at a different course being pursued by the executive at the last session was proportionably great. On this subject, so strong was the message of the president at the commencement of the present session, that some of the presses took it for granted, that the recognition would follow of course, and a paper in this neighbourhood has said that there was,

in regard to that question, a race of popularity between the president of the United States and the humble individual who now addressed the house. Yet, faithless Ferdinand refuses to ratify his own treaty, on the pretext of violations of our neutrality; but, in fact, because we will not basely surrender an important attribute of sovereignty. Two years ago, Mr. Clay said, would in his opinion, have been the proper time for recognizing the independence of the South. Then the struggle was somewhat doubtful, and a kind office on the part of this government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. Mr. Clay then successively adverted to the battles of Maipu, and Bojaca, their great brilliancy, and their important consequences. Adverting to the union of Venezuela and New Grenada in one republic, he said one of their first acts was to appoint one of their most distinguished citizens, the vice president Zea, a minister to this country. There was a time, he said, when impressions are made on individuals and nations, by kindness towards them, which lasts forever—when they are surrounded with enemies, and embarrassments present themselves. Ages and ages may pass away, said Mr. Clay, before we forget the help we received in our day of peril from the hands of France. Her injustice, the tyranny of her despot, may alienate us for a time; but the moment it ceases, we relapse into a good feeling towards her. Do you mean to wait, said Mr. Clay, until these republics are recognized by the whole world, and then step in and extend your hand to them when it can no longer be withheld? If we are to believe general Vives, we have gone about among foreign powers and consulted with lord Castlereagh and count Nesselrode, to seek some aid in recognizing the independence of these powers. What! after the president has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European powers think proper to advance? The president has assigned, as a reason for abstaining from the recognition, that the congress of Aix-la-Chapelle might take offence at it. So far from such an usurped interference being a reason for stopping, Mr. Clay said he would have exerted the right the sooner for it. But, the congress of Aix-

la-Chapelle had refused to interfere, and on that point the president was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiased world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy—with respect to unquestioned piracy, no one, Mr. Clay said, was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence—whilst we pursued this course even in advance of the legitimate of Europe, what, he asked, had been the course of England herself on this head? Here Mr. Clay quoted a few passages from the work of Abbe de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America, when freed from its present restraints, &c. What would I give, exclaimed Mr. Clay, could we appreciate the advantages which may be realized by pursuing the course which I propose! It is in our power to create a system of which we shall be the centre, and in which all South America will act with us. In respect to commerce, we shall be most benefited: this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade at present were disheartened by the condition of that trade: they must take new channels for it, and none so advantageous could be found as those which the trade with South America would afford. Mr. Clay took a prospective view of the growth of wealth, and increase of population of this country and South America. That country had now a population of upwards of eighteen millions. The same activity in the principle of population would exist in that country as here. Twenty-five years hence it might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population, we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America, the people

of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprize, industry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, &c.

But, however important our early recognition of the independence of the south might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the centre of a system which would constitute the rallying point of human freedom against all the despotism of the old world. Did any man doubt the feelings of the South towards us? In spite of our coldness towards them, of the rigour of our laws, and the conduct of our officers, their hearts still turned towards us, as to their brethren; and he had no earthly doubt if our government would take the lead and recognize them, they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, Mr. C. asked, was it possible we could be content to remain, as we now were, looking anxiously to Europe, watching the eyes of lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the czar of Russia and getting another scrap from count Nesselrode? Why not proceed to act on our own responsibility and recognize these governments as independent, instead of taking the lead of the holy alliance in a course which jeopardizes the happiness of unborn millions. Mr. Clay deprecated this deference for foreign powers. If lord Castlereagh says we may recognize, we do; if not, we do not. A single expression of the British minister to the present secretary of state, then our minister abroad, he was ashamed to say, had moulded the policy of our government towards South America. Our institutions, said Mr. Clay, now make us free; but how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician: let us become real and true Americans, and place ourselves at the head of the American system.

Gentlemen all said, they were all anxious to see the independence of the South established. If sympathy for them

was enough, the patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated that the people of the south were unfit for freedom. Will gentlemen contend, said Mr. Clay, because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that the circumstances were such as to permit them to do it.

Two questions only, Mr. Clay argued, were necessarily preliminary to the recognition of the independence of the people of the south: first, as to the fact of their independence; and secondly, as to the capacity for self-government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care, there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said that another revolution had occurred in Spain, and we ought therefore to delay. On the contrary, said Mr. C. every consideration recommended us to act now. If Spain succeeded in establishing her freedom, the colonies must also be free. The first desire of a government itself free, must be to give liberty to its dependencies. On the other hand, if Spain should not succeed in gaining her freedom, no man can doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued by all the wealth and the resources of Spain. The certainty of the successful resistance of the attempts of Spain to reduce

them would be found in the great extent of the provinces of South America—of larger extent than all the empire of Russia. The relation of the colonies and mother country could not exist, from the nature of things, under whatever aspect the government of Spain might assume. The condition of Spain was no reason for neglecting now to do what we ought to have done long ago. Every thing, on the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, Mr. Clay said, all he wanted was to obtain an expression of the opinion of the house on this subject; and whether a minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom: and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinions of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent towards the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

Mr. C. concluded by saying that, whatever might be the decision of this house on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used *his* best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of Christendom besides, whose happiness was at stake, and which it was in the power of this government to do so much towards securing.

ON INTERNAL IMPROVEMENT.

House of Representatives, January 16, 1824.

The bill authorizing the president of the United States to cause certain surveys and estimates to be made on the subject of roads and canals, being under consideration—

Mr. Clay, (speaker) in rising, said, that he could not enter on the discussion of the subject before him, without first asking leave to express his thanks for the kindness of the committee, in so far accommodating him as to agree unanimously to adjourn its sitting to the present time, in order to afford him the opportunity of exhibiting his views; which, however, he feared he should do very unacceptably. As a requital for this kindness, he would endeavor, as far as was practicable, to abbreviate what he had to present to their consideration. Yet, on a question of this extent and moment, there were so many topics which demanded a deliberate examination, that, from the nature of the case, it would be impossible, he was afraid, to reduce the argument to any thing that the committee would consider a reasonable compass.

It was known to all who heard him, that there had now existed for several years a difference of opinion between the executive and legislative branches of this government, as to the nature and extent of certain powers conferred upon it by the constitution. Two successive presidents had returned to congress bills which had previously passed both houses of that body, with a communication of the opinion that congress, under the constitution, possessed no power to enact such laws. High respect, personal and official, must be felt by all, as it was due, to those distinguished officers, and to their opinions thus solemnly announced; and the most profound consideration belongs to our present chief magistrate, who had favoured that house with a written argument, of great length and labour, consisting of not less than sixty or seventy pages, in support of his exposition of the constitution. From the magnitude of the interests involved in the question, all would readily concur, that, if the power is

granted, and does really exist, it ought to be vindicated, upheld, and maintained, that the country might derive the great benefits which may flow from its prudent exercise. If it has not been communicated to congress, then all claim to it should be, at once, surrendered. It was a circumstance of peculiar regret to him, that one more competent than himself had not risen to support the course which the legislative department had heretofore felt itself bound to pursue on this great question. Of all the trusts which are created by human agency, that is the highest, most solemn, and most responsible, which involves the exercise of political power. Exerted when it has not been intrusted, the public functionary is guilty of usurpation. And his infidelity to the public good is not, perhaps, less culpable, when he neglects or refuses to exercise a power which has been fairly conveyed, to promote the public prosperity. If the power which he thus forbears to exercise, can only be exerted by him—if no other public functionary can employ it, and the public good requires its exercise, his treachery is greatly aggravated. It is only in those cases where the object of the investment of power is the personal ease or aggrandizement of the public agent, that his forbearance to use it is praiseworthy, gracious, or magnanimous.

He was extremely happy to find, that, on many of the points of the argument of the honourable gentleman from Virginia, (Mr. Barbour) there was entire concurrence between them, widely as they differed in their ultimate conclusions. On this occasion (as on all others on which that gentleman obliged the house with an expression of his opinions) he displayed great ability and ingenuity; and, as well from the matter as from the respectful manner of his argument, it was deserving of the most thorough consideration. He was compelled to differ from that gentleman at the very threshold. He had commenced by laying down as a general principle, that, in the distribution of powers among our federal and state governments, those which were of a municipal character were to be considered as appertaining to the state governments, and those which related to external affairs, to the general government. If he might be allowed to throw the argument of the gentleman into the form of a syllogism, (a shape which he presumed would be quite agreeable to him) it amounted to this: Municipal powers belong exclusively to the state governments; but the power

to make internal improvements is municipal; therefore it belongs to the state governments alone. He (Mr. C.) denied both the premises and the conclusion. If the gentleman had affirmed that certain municipal powers, and the great mass of them, belong to the state governments, his proposition would have been incontrovertible. But if he had so qualified it, it would not have assisted the gentleman at all in his conclusion. But surely the power of taxation—the power to regulate the value of coin—the power to establish a uniform standard of weights and measures—to establish post offices and post roads—to regulate commerce among the several states—that in relation to the judiciary—besides many other powers indisputably belonging to the federal government, are strictly municipal. If, as he understood the gentleman in the course of the subsequent part of his argument to admit, some municipal powers belong to the one system, and some to the other, we shall derive very little aid from the gentleman's principle, in making the discrimination between the two. The question must ever remain open—whether any given power, and, of course, that in question, is or is not delegated to this government, or retained by the states?

The conclusion of the gentleman is, that all internal improvements belong to the state governments; that they are of a limited and local character, and are not comprehended within the scope of the federal powers, which relate to external or general objects. That many, perhaps most internal improvements, partake of the character described by the gentleman, he (Mr. C.) should not deny. But it was no less true that there were others, emphatically national, which neither the policy, nor the power, nor the interests, of any state would induce it to accomplish, and which could only be effected by the application of the resources of the nation. The improvement of the navigation of the Mississippi would furnish a striking example. This was undeniably a great and important object. The report of a highly scientific and intelligent officer of the engineer corps, (which Mr. C. hoped would be soon taken up and acted upon) had shown that the cost of any practicable improvement in the navigation of that river, in the present state of the inhabitants of its banks, was a mere trifle in comparison to the great benefits which would accrue from it. He (Mr. C.) believed that about double the amount of the loss of a single steam-boat and

cargo, (the Tennessee) would effect the whole improvement in the navigation of that river, which ought to be at this time attempted. In this great object twelve states and two territories were, in different degrees, interested. The power to effect the improvement of that river was surely not municipal, in the sense in which the gentleman used the term. If it were, to which of the twelve states and two territories concerned did it belong? It was a great object, which could only be effected by a confederacy. And here is existing that confederacy, and no other can lawfully exist: for the constitution prohibits the states, immediately interested, from entering into any treaty or compact with each other. Other examples might be given to show, that, if even the power existed, the inclination to exert it would not be felt, to effectuate certain improvements eminently calculated to promote the prosperity of the union. Neither of the three states, nor all of them united, through which the Cumberland road passes, would ever have erected that road. Two of them would have thrown in every impediment to its competition in their power. Federative in its character, it could only have been executed so far by the application of federative means. Again: the contemplated canal through New Jersey; that to connect the waters of the Chesapeake and Delaware; that to unite the Ohio and the Potomac, were all objects of a general and federative nature, in which the states, through which they might severally pass, could not be expected to feel any such special interest as would lead to their execution. Tending, as undoubtedly they would do, to promote the good of the whole, the power and the treasure of the whole must be applied to their execution, if they are ever consummated.

Mr. Clay did not think, then, that we should be at all assisted in expounding the constitution of the United States, by the principle which the gentleman from Virginia had suggested in respect to municipal powers. The powers of both governments were undoubtedly municipal, often operating upon the same subject. He thought a better rule than that which the gentleman furnished for interpreting the constitution, might be deduced from an attentive consideration of the peculiar character of the articles of confederation, as contrasted with that of the present constitution. By those articles, the powers of the thirteen United States were exerted collaterally. They operated through an intermediary.

They were addressed to the several states, and their execution depended upon the pleasure and the co-operation of the states individually. The states seldom fulfilled the expectations of the general government in regard to its requisitions, and often wholly disappointed them. Languor and debility, in the movement of the old confederation, were the inevitable consequence of that arrangement of power. By the existing constitution, the powers of the general government act directly on the persons and things within its scope, without the intervention or impediments incident to any intermediary. In executing the great trust which the constitution of the United States creates, we must, therefore, reject that interpretation of its provisions which would make the general government dependent upon those of the states for the execution of any of its powers; and may safely conclude that the only genuine construction would be that which should enable this government to execute the great purposes of its institution, without the co-operation, and, if indispensably necessary, even against the will of any particular state. This is the characteristic difference between the two systems of government, of which we should never lose sight. Interpreted in the one way, we shall relapse into the feebleness and debility of the old confederacy. In the other, we shall escape from its evils, and fulfil the great purposes which the enlightened framers of the existing constitution intended to effectuate. The importance of this essential difference in the two forms of government, would be shown in the future progress of the argument.

Before he proceeded to comment upon those parts of the constitution which appeared to him to convey the power in question, he hoped he should be allowed to disclaim, for his part, several sources whence others had deduced the authority. The gentleman from Virginia seemed to think it remarkable that the friends of the power should disagree so much among themselves; and to draw a conclusion against its existence from the fact of this discrepancy. But he (Mr. C.) could see nothing extraordinary in this diversity of views. What was more common than for different men to contemplate the same subject under various aspects? Such was the nature of the human mind, that enlightened men, perfectly upright in their intentions, differed in their opinions on almost every topic that could be mentioned. It was rather a presumption, in favour of the cause which he was

humly maintaining, that the same result should be attained by so many various modes of reasoning. But, if contrariety of views might be pleaded with any effect against the advocates of the disputed power, it equally availed against their opponents. There was, for example, not a very exact coincidence in opinion between the president of the United States and the gentleman from Virginia. The president says, (page 25 of his book,) "The use of the existing road, by the stage, mail carrier, or post boy, in passing over it, as others do, is all that would be thought of; the jurisdiction and soil remaining to the state, with a right in the state, or those authorized by its legislature, to change the road at pleasure." Again, page 27, the president asks, "If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual states, for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them?" They both agree that the general government does not possess the power. The gentleman from Virginia admits, if he (Mr. C.) understood him correctly, that the designation of a state road as a post road, so far withdrew it from the jurisdiction of the state, that it could not be afterwards put down or closed by the state; and in this he claims for the general government more power than the president concedes to it. The president, on the contrary, pronounces, that "the absurdity of such a pretension," (that is, preventing, by the designation of a post road, the power of the state from altering or changing it,) "must be apparent to all who examine it!" The gentleman thinks that the designation of a post road withdraws it entirely, so far as it is used for that purpose, from the power of the whole state; whilst the president thinks it absurd to assert that a mere county court may not defeat the execution of a law of the United States! The president thinks that, under the power of appropriating the money of the United States, congress may apply it to any object of internal improvement, provided it does not assume any territorial jurisdiction; and, in this respect, he claims for the general government more power than the gentleman from Virginia assigns to it. And he (Mr. C.) must own, that he so far coincided with the gentleman from Virginia. If the power can be traced to no more legitimate source than to that of appropriating the public treasure, he yielded the question.

The truth is, that there is no specific grant, in the constitution, of the power of appropriation; nor was any such requisite. It is a resulting power. The constitution vests in congress the power of taxation, with but few limitations, to raise a public revenue. It then enumerates the powers of congress. And it follows, of necessity, that congress has the right to apply the money, so raised, to the execution of the powers so granted. The clause which concludes the enumeration of the granted powers, by authorizing the passage of all laws, "necessary and proper" to effectuate them, comprehends the power of appropriation. And the framers of the constitution recognize it by the restriction that no money shall be drawn from the treasury but in virtue of a previous appropriation by law. It was to him wonderful how the president should have brought his mind to the conclusion, that, under the power of appropriation, thus incidentally existing, a right could be set up, in its nature almost without limitation, to employ the public money. He combats with great success and much ability, any deduction of power from the clause relating to the general welfare. He shows that the effect of it would be to overturn, or render useless and nugatory, the careful enumeration of our powers; and that it would convert a cautiously limited government into one without limitation. The same process of reasoning by which his mind was brought to this just conclusion, one would have thought, should have warned him against his claiming, under the power of appropriation, such a vast latitude of authority. He reasons strongly against the power, as claimed by us, harmless and beneficent and limited, as it must be admitted to be, and yet he sets up a power boundless in its extent, unrestrained to the object of internal improvements, and comprehending the whole scope of human affairs! For, if the power exists, as he asserts it, what human restraint is there upon it? He does, indeed, say, that it cannot be exerted so as to interfere with the territorial jurisdiction of the states. But this is a restriction altogether gratuitous, flowing from the bounty of the president, and not found in the prescriptions of the constitution. If we have a right, indefinitely, to apply the money of the government to internal improvements, or to any other object, what is to prevent the application of it to the purchase of the sovereignty itself, of a state, if a state were mean enough to sell its sovereignty—to the purchase of kingdoms

empires, the globe itself? With an almost unlimited power of taxation; and, after the revenue is raised, with a right to apply it under no other limitations than those which the president's caution has suggested, he could not see what other human power was needed. It had been said, by Cæsar or Bonaparte, no doubt thought by both, that, with soldiers enough, they could get money enough; and, with money enough, they could command soldiers enough. According to the president's interpretation of the constitution, one of these great levers of public force and power is possessed by this government. The president seems to contemplate, as fraught with much danger, the power, humbly as it is claimed, to effect the internal improvement of the country. And, in his attempt to overthrow it, sets up one of infinitely greater magnitude. The quantum of power which we claim over the subject of internal improvement, is, it is true, of greater amount and force than that which results from the president's view of the constitution; but then it is *limited* to the object of internal improvements; whilst the power set up by the president has no such limitation; and, in effect, as Mr. C. conceived, has no limitation whatever, but that of the ability of the people to bear taxation.

With the most profound respect for the president, and after the most deliberate consideration of his argument, Mr. C. could not agree with him. He could not think that any political power accrued to this government, from the mere authority which it possessed to appropriate the public revenue. The power to make internal improvements drew after it, most certainly, the right to appropriate money to consummate the object. But he could not conceive that this right of appropriation drew after it the power of internal improvements. The appropriation of money was consequence, not cause. It follows; it does not precede. According to the order of nature, we first determine upon the object to be accomplished, and then appropriate the money necessary to its consummation. According to the order of the constitution, the power is defined, and the application, that is, the appropriation of the money requisite to its effectuation, follows as a necessary and proper means. The practice of congressional legislation was conformable to both. We first inquire what we may do, and provide by law for its being done, and we then appropriate, by another act of legislation, the money necessary to accomplish the specified object. The

error of the argument lies in its beginning too soon. It supposes the money to be in the treasury, and then seeks to disburse it. But how came it there? Congress cannot impose taxes without an object. Their imposition must be in reference to the whole mass of our powers, to the general purposes of government, or with the view to the fulfilment of some one of those powers, or to the attainment of some one of those purposes. In either case, we consult the constitution, and ascertain the extent of the authority which is confided to us. We cannot, constitutionally, lay the taxes without regard to the extent of our powers; and then, having acquired the money of the public, appropriate it, because we have got it, to any object indefinitely.

Nor did he claim the power in question, from the consent or grant of any particular state or states, through which an object of internal improvement might pass. It might, indeed, be prudent to consult a state through which such an improvement might happen to be carried, from considerations of deference and respect to its sovereign power; and from a disposition to maintain those relations of perfect amity which are ever desirable, between the general and state governments. But the power to establish the improvement, must be found in the constitution, or it does not exist. And what is granted by all, it cannot be necessary to obtain the consent of some to perform.

The gentleman from Virginia, in speaking of incidental powers, had used a species of argument which he entreated him candidly to reconsider. He had said, that the chain of cause and effect was without end; that if we argued from a power expressly granted to all others, which might be convenient or necessary to its execution, there were no bounds to the power of this government; that, for example, under the power "to provide and maintain a navy," the right might be assumed to the timber necessary to its construction, and the soil on which it grew. The gentleman might have added, the acorns from which it sprung. What, upon the gentleman's own hypothesis, ought to have been his conclusion? That congress possessed no power to provide and maintain a navy. Such a conclusion would have been quite as logical, as that congress has no power over internal improvements, from the *possible* lengths to which this power may be pushed. No one ever had, or could, controvert the existence of incidental powers. We may apply dif-

ferent rules for their extraction, but all must concur in the necessity of their actual existence. They result from the imperfections of our nature, and from the utter impossibility of foreseeing all the turns and vicissitudes in human affairs. They cannot be defined. Much is attained when the power, the end, is specified and guarded. Keeping that constantly in view, the means necessary to its attainment must be left to the sound and responsible discretion of the public functionary. Intrench him as you please, employ what language you may, in the constitutional instrument, "necessary and proper," "indispensably necessary," or any other, and the question is still left open, does the proposed measure fall within the scope of the incidental power, circumscribed as it may be? Your safety against abuse must rest in his interest, his integrity, his responsibility to the exercise of the elective franchise; finally, in the ultimate right, when all other redress fails, of an appeal to the remedy, to be used only in extreme cases, of forcible resistance against intolerable oppression.

Doubtless, by an extravagant and abusive enlargement of incidental powers, the state governments may be reduced within too narrow limits. Take any power, however uncontestedly granted to the general government, and employ that kind of process of reasoning in which the gentleman from Virginia is so skilful, by tracing it to its remotest effects, you may make it absorb the powers of the state governments. Pursue the opposite course; take any incontestable power belonging to the state governments, and follow it out into all its possible ramifications, and you may make it thwart and defeat the great operations of the government of the whole. This is the consequence of our systems. Their harmony is to be preserved only by forbearance, liberality, practical good sense, and mutual concession. Bring these dispositions into the administrations of our various institutions, and all the dreaded conflicts of authorities will be found to be perfectly imaginary.

He said, that he disclaimed, for himself, several sources to which others had ascended, to arrive at the power in question. In making this disclaimer, he meant to cast no imputation on them. He was glad to meet them by whatever road they travelled, at the point of a constitutional conclusion. Nor did their positions weaken his; on the contrary, if correctly taken, and his, also, were justified by fair

interpretation, they added strength to his. But he felt it his duty, frankly and sincerely, to state his own views of the constitution. In coming to the ground on which (said Mr. C.) I make my stand to maintain the power, and where I am ready to meet its antagonist, I am happy, in the outset, to state my hearty concurrence with the gentleman from Virginia, in the old, 1798, republican principles, (now become federal, also,) by which the constitution is to be interpreted. I agree with him, that this is a limited government; that it has no powers but the granted powers; and that the granted powers are those which are expressly enumerated, or such as, being implied, are necessary and proper to effectuate the enumerated powers. And, if I do not show the power over federative, national, internal improvements, to be fairly deducible, after the strictest application of these principles, I entreat the committee unanimously to reject the bill. The gentleman from Virginia has rightly anticipated, that, in regard to roads, I claim the power, under the grant, to establish post offices and post roads. The whole question, on this part of the subject, turns upon the true meaning of this clause, and that again upon the genuine signification of the word "*establish*." According to my understanding of it, the meaning of it is, to fix, to make firm, to build. According to that of the gentleman from Virginia, it is to designate, to adopt. Grammatical criticism was to me, always unpleasant, and I do not profess to be any proficient in it. But I will confidently appeal, in support of my definition, to any vocabulary whatever, of respectable authority, and to the common use of the word. That it could not mean only adoption, was to me evident; for *adoption* presupposes establishment, which is precedent in its very nature. That which does not exist, which is not established, cannot be adopted. There was, then, an essential difference between the gentleman from Virginia and me. I consider the power as original and creative; he as derivative, adoptive. But I will show, out of the mouth of the president himself, who agrees with the gentleman from Virginia, as to the sense of this word, that what I contend for, is its genuine meaning. The president, in almost the first lines of his message to this house, of the fourth of May, 1822, returning the Cumberland bill with his veto, says, "a power to establish turnpikes, with gates and tolls, &c. implies a power to adopt and execute a complete system of internal improve-

ment." What is the sense in which the word "establish" is here used? Is it not creative? Did the president mean to adopt or designate some pre-existing turnpikes, with gates, &c. or, for the first time, to set them up, under the authority of congress? Again, the president says, "if it exist as to one road, [that is, the power to lay duties of transit, and to take the land on a valuation,] it exists as to any other, and to as many roads as congress may think proper to '*establish*.'" In what sense does he here employ the word? The truth is, that the president could employ no better than the constitutional word, and he is obliged to use it in the precise sense for which I contend. But I go to a higher authority than that of the chief magistrate—to that of the constitution itself. In expounding that instrument, we must look at all its parts; and if we find a word, the meaning of which it is desirable to obtain, we may safely rest upon the use which has been made of the same word in other parts of the instrument. The word "establish" is one of frequent recurrence in the constitution; and I venture to say that it will be found uniformly to express the same idea. In the clause enumerating our powers, congress has power "to *establish* a uniform rule of naturalization," &c. In the preamble, "we, the people of the United States, in order to form a more perfect union, *establish* justice, &c. do ordain and *establish* this constitution," &c. What pre-existing code of justice was adopted? Did not the people of the United States, in this high, sovereign act, contemplate the construction of a code adapted to their federal condition? The sense of the word, as contended for, was self-evident when applied to the constitution.

But let us look at the nature, object, and purposes of the power. The trust confided to congress was one of the most beneficial character. It was the diffusion of information among all the parts of this republic. It was the transmission and circulation of intelligence; it was to communicate knowledge of the laws and acts of government; and to promote the great business of society in all its relations. This was a great trust, capable of being executed in a highly salutary manner. It could be executed only by congress, and it should be as well performed as it could be, considering the wants and exigencies of government. And here I beg leave to advert to the principle which I some time ago laid down, that the powers granted to this government are to be carried

into execution by its own inherent force and energy, without necessary dependence upon the state governments. If my construction secures this object; and if that of my opponents places the execution of this trust at the pleasure and mercy of the state governments, we must reject theirs and assume mine. But the construction of the president does make it so dependent. He contends that we can only use as post roads those which the states shall have previously established; that they are at liberty to alter, to change, and of course to shut them up at pleasure. It results from this view of the president that any of the great mail routes now existing, that, for example, from south to north, may be closed at pleasure or by caprice, by any one of the states, or its authorities, through which it passes, by that of Delaware or any other. Is it possible that that construction of the constitution can be correct, which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation by any one of twenty-four sovereignties? The gentleman from Virginia, it is true, denies the right of a state to close a road which has been designated as a post road. But suppose the state, no longer having occasion to use it for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the state be compelled to repair it? No! the gentleman from Virginia must say, and I will say—May not the general government repair this road which is abandoned by the state power? May it not repair it in the most efficacious manner? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the state to protect and defend? Or does the gentleman mean to contend that a road may exist in the statute book, which a state will not, and the general government cannot, repair and improve? And what sort of an account should we render to the people of the United States, of the execution of the high trust confided, for their benefit, to us, if we were to tell them that we had failed to execute it, because a state would not make a road for us?

The roads, and other internal improvements of states, are made in reference to their individual interests. It is the eye only of the whole, and the power of the whole, that can look to the interests of all. In the infancy of the government, and in the actual state of the public treasury, it may be the only alternative left us to use those roads, which are made

46000 words

for state purposes, to promote the national object, ill as they may be adapted to it. It may never be necessary to make more than a few great national arteries of communication, leaving to the states the lateral and minor ramifications. Even these should only be executed, without pressure upon the resources of the country, and according to the convenience and ability of government. But, surely, in the performance of a great national duty imposed upon this government, which has for its object the distribution of intelligence, civil, commercial, literary, and social, we ought to perform the substance of the trust, and not content ourselves with a mere inefficient paper execution of it. If I am right in these views, the power to establish post roads being in its nature original and creative, and the government having adopted the roads made by state means, only from its inability to exert the whole extent of its authority, the controverted power is *expressly* granted to congress, and there is an end of the question.

It ought to be borne in mind, that this power over roads was not contained in the articles of confederation, which limited congress to the establishment of post offices; and that the general character of the present constitution, as contrasted with those articles, is that of an enlargement of power. But, if the construction of my opponents be correct, we are left precisely where the articles of confederation left us, notwithstanding the additional words contained in the present constitution. What, too, will the gentlemen do with the first member of the clause to establish post *offices*? Must congress adopt, designate, some pre-existing office, established by state authority? But there is none such. May it not then fix, build, create, *establish* offices of its own?

The gentleman from Virginia sought to alarm us by the awful emphasis with which he set before us the total extent of post roads in the union. Eighty thousand miles of post roads! exclaimed the gentleman; and will you assert for the general government jurisdiction, and erect turnpikes, on such an immense distance? Not to-day, nor to-morrow; but this government is to last, I trust, for ever; we may at least hope it will endure until the wave of population, cultivation, and intelligence, shall have washed the rocky mountains and mingled with the Pacific. And may we not also hope that the day will arrive when the improvements and the comforts of social life shall spread over the wide surface of

this vast continent? All this is not to be suddenly done. Society must not be burthened or oppressed. Things must be gradual and progressive. The same species of formidable array which the gentleman makes, might be exhibited in reference to the construction of a navy, or any other of the great purposes of government. We might be told of the fleets and vessels of great maritime powers, which whiten the ocean; and triumphantly asked if we should vainly attempt to cope with or rival that tremendous power? And we should shrink from the effort, if we were to listen to his counsels, in hopeless despair. Yes, sir, it is a subject of peculiar delight to me to look forward to the proud and happy period, distant as it may be, when circulation and association between the Atlantic and the Pacific and the Mexican gulf, shall be as free and perfect as they are at this moment in England, or in any other the most highly improved country on the globe. In the mean time, without bearing heavily upon any of our important interests, let us apply ourselves to the accomplishment of what is most practicable and immediately necessary.

But what most staggers my honorable friend, is the jurisdiction over the sites of roads and other internal improvements which he supposes congress might assume; and he considers the exercise of such a jurisdiction as furnishing the just occasion for serious alarm. Let us analyze the subject. Prior to the erection of a road under the authority of the general government, there existed, in the state through which it passes, no actual exercise of jurisdiction over the ground which it traverses *as a road*. There was only the possibility of the exercise of such a jurisdiction, when the state should, if ever, erect such a road. But the road is made by the authority of congress, and out of the fact of its erection arises a necessity for its preservation and protection. The road is some thirty or fifty or sixty feet in width, and with that narrow limit passes through a part of the territory of the state. The capital expended in the making of the road incorporates itself with and becomes a part of the permanent and immovable property of the state. The jurisdiction which is claimed for the general government, is that only which relates to the necessary defence, protection, and preservation, of the road. It is of a character altogether conservative. Whatever does not relate to the existence and protection of the road remains with the state.

Murders, trespasses, contracts, all the occurrences and transactions of society upon the road, not affecting its actual existence, will fall within the jurisdiction of the civil or criminal tribunals of the state, as if the road had never been brought into existence. How much remains to the state! How little is claimed for the general government! Is it possible that a jurisdiction so limited, so harmless, so unambitious, can be regarded as seriously alarming to the sovereignty of the states! Congress now asserts and exercises, without contestation, a power to protect the mail in its transit, by the sanction of all suitable penalties. The man who violates it is punished with death, or otherwise, according to the circumstances of the case. This power is exerted as incident to that of establishing post offices and post roads. Is the protection of the thing *in transitu* a power more clearly deducible from the grant, than that of facilitating, by means of a practicable road, its actual transportation? Mails certainly imply roads, roads imply their own preservation, their preservation implies the power to preserve them, and the constitution tells us, in express terms, that we shall establish the one and the other.

In respect to cutting canals, I admit the question is not quite so clear as in regard to roads. With respect to these, as I have endeavoured to show, the power is expressly granted. In regard to canals, it appears to me to be fairly comprehended in, or deducible from, certain granted powers. Congress has power to regulate commerce with foreign nations and among the several states. Precisely the same measure of power which is granted in the one case is conferred in the other. And the uniform practical exposition of the constitution, as to the regulation of foreign commerce, is equally applicable to that among the several states. Suppose, instead of directing the legislation of this government constantly, as heretofore, to the object of foreign commerce, to the utter neglect of the interior commerce among the several states, the fact had been reversed, and now, for the first time, we were about to legislate for our foreign trade: Should we not, in that case, hear all the constitutional objections made to the erection of buoys, beacons, light-houses, the surveys of coasts, and the other numerous facilities accorded to the foreign trade, which we now hear to the making of roads and canals? Two years ago, a sea-wall, or, in other words, a marine canal, was authorized by an act of

congress, in New Hampshire; and I doubt not that many of those voted for it who have now constitutional scruples on this bill. Yes, any thing, every thing, may be done for foreign commerce; any thing, every thing, on the margin of the ocean: but nothing for domestic trade; nothing for the great interior of the country! Yet, the equity and the beneficence of the constitution equally comprehends both. The gentleman does, indeed, maintain that there is a difference as to the character of the facilities in the two cases. But I put it to his own candour, whether the only difference is not that which springs from the nature of the two elements on which the two species of commerce are conducted—the difference between land and water. The principle is the same, whether you promote commerce by opening for it an artificial channel where now there is none, or by increasing the ease or safety with which it may be conducted through a natural channel which the bounty of providence has bestowed. In the one case, your object is to facilitate arrival and departure from the ocean to the land. In the other, it is to accomplish the same object from the land to the ocean. Physical obstacles may be greater in the one case than in the other, but the moral or constitutional power equally includes both. The gentleman from Virginia had, to be sure, contended that the power to make these commercial facilities was to be found in another clause of the constitution—that which enables congress to obtain cessions of territory for specific objects, and grants to it an exclusive jurisdiction. These cessions may be obtained for the "erection of forts, magazines, arsenals, dockyards, or other needful buildings." It is apparent that it relates altogether to military or naval affairs, and not to the regulation of commerce. How was the marine canal covered by this clause? Is it to be considered as a "needful building?" The object of this power is perfectly obvious. The convention saw that, in military or naval posts, such as are indicated, it was indispensably necessary, for their proper government, to vest in congress the power of exclusive legislation. If we claimed over objects of internal improvement an exclusive jurisdiction, the gentleman might urge, with much force, the clause in question. But the claim of concurrent jurisdiction only is asserted. The gentleman professes himself unable to comprehend how concurrent jurisdiction can be exercised by two different governments at the same time over the same per-

sons and things. But, is not this the fact with respect to the state and federal governments? Does not every person, and every thing, within our limits, sustain a two-fold relation to the state and to the federal authority? The power of taxation as exerted by both governments, that over the militia, besides many others, is concurrent. No doubt embarrassing cases may be conceived and stated by gentlemen of acute and ingenious minds. One was put to me yesterday. Two canals are desired, one by the federal, and the other by a state government; and there is not a supply of water but for the feeder of one canal—which is to take it? The constitution, which ordains the supremacy of the laws of the United States, answers the question. The good of the whole is paramount to the good of a part. The same difficulty might possibly arise in the exercise of the incontestable power of taxation. We know that the imposition of taxes has its limits. There is a maximum which cannot be transcended. Suppose the citizen to be taxed by the general government to the utmost extent of his ability, or a thing as much as it can possibly bear, and the state imposes a tax at the same time, which authority is to take it? Extreme cases of this sort may serve to amuse and to puzzle; but they will hardly ever arise in practice. And we may safely confide in the moderation, good sense, and mutual good dispositions, of the two governments, to guard against the imagined conflicts.

It is said by the president, that the power to regulate commerce merely authorises the laying of imposts and duties. But congress has no power to lay imposts and duties on the trade among the several states. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several states, if it has any meaning, implies authority to foster it, to promote it, to bestow on it facilities similar to those which have been conceded to our foreign trade. It cannot mean only an empty authority to adopt regulations, without the capacity to give practical effect to them. All the powers of this government should be interpreted in reference to its first, its best, its greatest object, the union of these states. [And is not that union best invigorated by an intimate, social, and commercial connexion between all the parts of the confederacy? Can that be accomplished, that is, can the federative objects of this government be attained, but by the application of federative resources?]

Of all the powers bestowed on this government, Mr. Clay thought none were more clearly vested, than that to regulate the distribution of the intelligence, private and official, of the country; to regulate the distribution of its commerce; and to regulate the distribution of the physical force of the union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable constitution had in view. We must reject, as wholly incompatible with their enlightened and beneficent intentions, that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs, who can foresee all the possible cases, in which it may be necessary to apply the public force, within or without the union? This government is charged with the use of it, to repel invasions, to suppress insurrections, to enforce the laws of the union; in short, for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence, may not government, for its effectual prosecution, order a road to be made, or a canal to be cut, to relieve, for example, an exposed point of the union? If, when the emergency comes, there is a power to provide for it, that power must exist in the constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will beforehand provide for the hour of need. Roads and canals are in the nature of fortifications, since, if not the depositories of military resources, they enable you to bring into rapid action, the military resources of the country, whatever they may be. They are better than any fortifications, because they serve the double purposes of peace and of war. They dispense, in a great degree, with fortifications, since they have all the effect of that concentration, at which fortifications aim. I appeal from the precepts of the president to the practice of the president. While he denies to congress the power in question, he does not scruple, upon his sole authority, as numerous instances in the statute book will testify, to order, at pleasure, the opening of roads by the military, and then come here to ask us to pay for them. Nay, more, sir; a subordinate, but highly respectable officer of the executive government, I believe, would not hesitate to provide a boat or cause a bridge to be erected over an inconsiderable stream, to ensure the regular transportation

of the mail. And it happens to be within my personal knowledge, that the head of the post office department, as a prompt and vigilant officer should do, had recently despatched an agent to ascertain the causes of the late frequent vexatious failures of the great northern mail, and to inquire if a provision of a boat or bridge over certain small streams in Maryland, which have produced them, would not prevent their recurrence.

I was much surprised at one argument of the honorable gentleman. He told the house, that the constitution had carefully guarded against inequality, among the several states, in the public burthens, by certain restrictions upon the power of taxation; that the effect of the adoption of a system of internal improvements would be to draw the resources from one part of the union, and to expend them in the improvements of another; and that the spirit, at least, of the constitutional equality, would be thus violated. From the nature of things, the constitution could not specify the theatre of the expenditure of the public treasure. That expenditure, guided by and looking to the public good, must be made, necessarily, where it will most subserve the interests of the whole union. The argument is, that the *locale* of the collection of the public contributions, and the *locale* of their disbursement, should be the same. Now, sir, let us carry this argument out; and no man is more capable than the ingenious gentleman from Virginia, of tracing an argument to its utmost consequences. The *locale* of the collection of the public revenue is the pocket of the citizen; and, to abstain from the violation of the principle of equality adverted to by the gentleman, we should restore back to each man's pocket precisely what was taken from it. If the principle contended for be true, we are habitually violating it. We raise about twenty millions of dollars, a very large revenue, considering the actual distresses of the country. And, sir, notwithstanding all the puffing, flourishing statements of its prosperity, emanating from printers who are fed upon the pap of the public treasury, the whole country is in a condition of very great distress. Where is this vast revenue expended? Boston, New York, the great capitals of the north, are the theatres of its disbursement. There the interest upon the public debt is paid. There the expenditure in the building, equipment, and repair of the national vessels takes place. There all the great expenditures of the govern-

ment necessarily concentrate. This is no cause of just complaint. It is inevitable, resulting from the accumulation of capital, the state of the arts, and other circumstances belonging to our great cities. But, sir, if there be a section of this union having more right than any other to complain of this transfer of the circulating medium from one quarter of the union to another, the west, the poor west—[Here Mr. Barbour explained. He had meant that the constitution limited congress as to the proportions of revenue to be drawn from the several states; but the principle of this provision would be vacated by internal improvements of immense expense, and yet of a local character. Our public ships, to be sure, are built at the seaports, but they do not remain there. Their home is the mountain wave; but internal improvements are essentially local; they touch the soil of the states, and their benefits, at least the largest part of them, are confined to the states where they exist.] The explanation of the gentleman has not materially varied the argument. He says that the home of our ships is the mountain wave. Sir, if the ships go to sea, the money with which they were built, or refitted, remains on shore, and the cities where the equipment takes place derive the benefit of the expenditure. It requires no stretch of the imagination to conceive the profitable industry—the axes, the hammers, the saws—the mechanic arts, which are put in motion by this expenditure. And all these, and other collateral advantages, are enjoyed by the seaports. The navy is built for the interest of the whole. Internal improvements, of that general, federative character, for which we contend, would also be for the interest of the whole. And, I should think their abiding with us, and not going abroad on the vast deep, was rather cause of recommendation than objection.

But, Mr. Chairman, if there be any part of this union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the west. There is a perpetual drain from that embarrassed and highly distressed portion of our country, of its circulating medium to the east. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, &c. which more or less are to be found in every Atlantic state. In at least seven states beyond the Alleghany, not one solitary

public work of this government is to be found. If, by one of those awful and terrible dispensations of Providence, which sometimes occur, this government should be unhappily annihilated, every where on the seaboard traces of its former existence would be found; whilst we should not have, in the west, a single monument remaining on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the union, than the hardy freemen of the west. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which they participated, during the late war—a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs. But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood, or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They sought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befel us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the west from this government. They cling to it, as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by the mistakes of your policy, and you cannot drive them from you. They do not complain of the expenditure of the public money, where the public exigences require its disbursement. But, I put it to your candour, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium from the west to the east. One million and a half of dollars annually, is transferred for the public lands alone; and, almost every dollar goes, like him who goes to death—to a bourne from which no traveller returns. In ten years it will amount to fifteen millions; in twenty to—but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the east,

labor under great error. There was a time when the tide of emigration from the east bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopt. And as population advances farther and farther west, it will entirely cease. The greatest migrating states in the union, at this time, are Kentucky first, Ohio next, and Tennessee. The emigrants from those states carry with them, to the states and territories lying beyond them, the circulating medium, which, being invested in the purchase of the public land, is transmitted to the points where the wants of government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this government would mitigate the evil. We believe that the government incontestibly possesses the constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctantly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, what has this government done on the great subject of internal improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road, only. Gentlemen appear to have considered that a western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any western state. The road begins in Maryland and it terminates at Wheeling. It passes through the states of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three states. Not one cent in any western state. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant. We were actuated to make these exertions for

the sake of the collateral benefit only to the west; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren—that we might have a way to reach the capitol of our country, and to bring our councils, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a western state; and, from some indications which have been given during this session, I should apprehend it would there pause forever, if my confidence in you were not unbounded; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the west never thought of, never desired, never asked, for a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the union, I do most solemnly believe, of these now happy and promising states, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.

ON THE GREEK REVOLUTION.

*Speech on the Greek Revolution, delivered in the House
of Representatives, 20th January, 1824.*

Mr. Clay rose, and commenced his speech by distinctly stating the original resolution, as moved by Mr. Webster, and the amendment proposed to it by Mr. Poinsett. The resolution proposed a provision of the means to defray the expense of deputing a commissioner or agent to Greece, whenever the president, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of their government; as a measure of unjustifiable interference in the internal affairs of a foreign state; and finally, as war. And they who thus argue the question, whilst they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humble advocates, quixotism, quixotism! Whilst they are taking the most extravagant and boundless range, and arguing any thing and every thing but the question before the committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some, who object to the resolution, on account of the source from which it has sprung—who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts; and sometimes that of acting with him, and I

have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be the champions of human freedom; and if federalists become its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the president of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet if this house venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic ocean to the gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Every where the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country? from our constituents? from our chief magistrate? from our principles?

The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think that the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the Sublime Porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral; it throws our little tribute into the vast stream of public opinion,

which sooner or later must regulate the physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the Sublime Porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage; as if the Turkish scimitar would be rendered still keener, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the chief magistrate of the United States, in two distinct messages. It is this document which commands at home and abroad the most fixed and universal attention; which is translated into all the foreign journals; read by sovereigns and their ministers; and, possibly, in the divan itself. But our resolutions are domestic, for home consumption, and rarely if ever meet imperial or royal eyes. The president, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone forever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the allied powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this house to make provision that our president shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt the uncalculating valour of American freemen in some of his dominions. And when he is made to understand that the executive of this government is sustained by the representatives of the people; that

our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire, (Mr. Bartlett,) has made, on this occasion, a very ingenious, sensible, and ironical speech—an admirable *début* for a new member, and such as I hope we shall often have repeated on this floor. But, permit me to advise my young friend to remember the maxim, "that sufficient unto the day is the evil thereof;" and when the resolution,* on another subject, which I had the honour to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favour the house with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold, with indifference, the last out-work of liberty taken and destroyed.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the holy alliance; and that it will, in effect, be a repetition of their own offence, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this government, from the days of Washington, to the present moment? In the case of France, the father of his country and his successors received Genet, Fouchet, and all the French ministers who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this: to look at the state of the fact, and to recognize that government, be it what it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our sim-

*The resolution offered by Mr. Clay, declaring that the United States would not see with indifference any interference of the holy alliance in behalf of Spain against the new American republics.

ple inquiry has been, is there a government *de facto*? We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister, who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain, in fact. Did the allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note, complaining of our conduct? The line of our European policy has been so plainly described that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

There is reason to apprehend that a tremendous storm is ready to burst upon our happy country—one which may call into action all our vigour, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression, to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen ready to exhaust their last drop of blood, and to spend the last cent in the defence of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can be possibly exposed, are much less in reality than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we cannot too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute, the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved, which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the

best of all armour, let us not discourage our people, let us stimulate their ardour, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people; and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece, that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them that of their gracious condescension, they would allow us to express our feelings and our sympathies. How shall it run: "We, the representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate, that of your imperial and royal clemency,"—I cannot go through the disgusting recital—my lips have not yet learnt to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high Heaven, at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils!

If the great body of Christendom can look on calmly and coolly, whilst all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at

* Mad. de Staél.

least evince that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that, in this remote quarter of the world, there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, the committee has been attempted to be alarmed by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, "what shall it profit a man if he gain the whole world and lose his own soul," or what shall it avail a nation to save the whole of a miserable trade and lose its liberties?

On the subject of the other independent American states, hitherto it has not been necessary to depart from the rule of our foreign relations, observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure; we may go further, we may recognize the government in the Morea, if actually independent, and it will be neither war, nor cause of war, nor any violation of our neutrality. Besides, sir, what is Greece to the allies? A part of the dominions of any of them? By no means. Suppose the people in one of the Philippine isles, or in any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognize them in dread of the holy allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. *This government, you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism.* If we are to offend them, it is not by passing this resolution. We are daily and hourly giving them cause of war. It is *here*, and in our free institutions, that they will assail us. They will attack us because you sit beneath that canopy, and we are freely debating and deliberating upon the great interests of free men, and dispensing the blessings of free government. They will strike, because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to despotic powers, than would be the

adoption of this so much dreaded resolution. Pass it, and what do you? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the allies object to this measure, let them forbid us to take a vote in this house; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those allies would have *cause of war*? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent state has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit that there may be a state of inchoate initiative sovereignty, in which a new government, just struggling into being, cannot be said yet perfectly to exist. But the premature recognition of such new government, can give offence justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow that any public functionary will be appointed by the president. You merely grant the means by which the executive may act when *he* thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no power has declared against her. Pass this resolution, and what is the reply which it conveys to him? "You have sent us grateful intelligence; we feel warmly for Greece; and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeopardized, you may depute a commissioner or public agent to Greece." The whole responsibility is then left where the constitution puts it. A member in his place may make a speech or proposition, the house may even pass a vote, in respect to our foreign affairs, which the president, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see

this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see it pass. What, Mr. Chairman, appearance on the page of history, would a record like this exhibit? "In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising and solemnly and anxiously supplicating and invoking high Heaven to spare and succour Greece, and to invigorate her arms, in her glorious cause, while temples and senate houses were alike resounding with one burst of generous and holy sympathy;—in the year of our Lord and Saviour, that Saviour of Greece and of us—a proposition was offered in the American congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected!" Go home, if you can, go home, if you dare, to your constituents, and tell them that you voted it down—meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indiscernible apprehension, some indefinable danger, drove you from your purpose—that the spectres of scimitars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe that such will be the feeling of a majority of this committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

ON AMERICAN INDUSTRY.

Speech in support of an American System for the Protection of American Industry; delivered in the House of Representatives on the 30th and 31st of March, 1824.

The gentleman from Virginia, (Mr. Barbour,) has embraced the occasion produced by the proposition of the gentleman from Tennessee, to strike out the minimum price, in the bill, on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most HIGH. I would anxiously and fervently implore His Divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that he would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost

than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modification, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain and ultimately a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations, as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthrashed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labour; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the peri-

lous use of paper money; by the intervention of legislation, in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemptions, but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorised me to have thrown on deeper and darker hues. And it is the duty of the statesman; no less than that of the physician, to survey, with a penetrating, steady and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyses, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force at the same time upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the CAUSE of this wide spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in

M m

the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years, at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people in their private and individual relations.

What, again I would ask, is the CAUSE of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this government, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe, has been the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent, as that she had during her wars, for American commerce, American navigation, the produce of American industry. Europe, in commotion and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us, has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labour. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per centum. And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less, by its transmission

abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per centum, we shall, at once, fully comprehend the inevitable reduction, which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and unattempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves.—But that property, without their fault, possesses no longer the same value; and hence discontent, impoverishment, and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity: instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our sea-ports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would re-flow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established, to take the place of those which have sunk beneath the general pressure. For it is a mistake to suppose that they have produced our present adversity; they may have

somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored. And those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere, if society prospers; and wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt: The home market is first in order, and paramount in importance. The object of the bill, under consideration, is to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent,) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? 1. Foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four per centum per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have of surplus produce, four per centum more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per centum per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increas-

ing population, so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, 2dly. If they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the states of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours, which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British parliament have made; what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American,

and stated that America could not and would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market as being an adequate vent for the surplus produce of American labor. Now let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the thirtieth September, 1796, was forty millions seven hundred and sixty-four thousand and ninety-seven. Estimating the increase according to the ratio of the increase of our population, that is, at four per centum per annum, the amount of the exports of the same produce, in the year ending on the thirtieth September last, ought to have been eighty-five millions four hundred and twenty thousand eight hundred and sixty-one. It was in fact only forty-seven millions one hundred and fifty-five thousand four hundred and eight. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported was forty-three millions two hundred and two thousand seven hundred and fifty-one for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported seventy-seven millions seven hundred and sixty-six thousand seven hundred and fifty-one instead of forty-seven millions one hundred and fifty-five thousand four hundred and eight. If these comparative amounts of the aggregate actual exports and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791 was one hundred and twelve thousand four

hundred and twenty-eight hogsheads. That was the year of the largest exportation of that article; but it is the only instance in which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is two hundred and sixty-six thousand three hundred and thirty-two hogsheads. The actual export was ninety-nine thousand and nine hogsheads. We exported in 1803 the quantity of one million three hundred and eleven thousand eight hundred and fifty-three barrels of flour; and ought to have exported last year two millions three hundred and sixty-one thousand three hundred and thirty-three barrels. We, in fact, exported only seven hundred and fifty-six thousand seven hundred and two barrels. Of that quantity we sent to South America one hundred and fifty thousand barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. Poinsett,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it the soil, either from climate or from elevation, is well adapted to the culture of wheat; and no where can better wheat be produced than in some portions of Mexico and Chili. Still the market of South America is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported, in 1803, Indian corn to the amount of two millions seventy-four thousand six hundred and eight bushels. The quantity should have been, in 1823, three millions seven hundred and thirty-four thousand two hundred and eighty-eight bushels. The actual quantity exported was seven hundred and forty-nine thousand and thirty-four bushels, or about one-fifth of what it should have been, and a little more than one-third of what it was more than twenty years ago. We ought not then to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend, (Mr. Bassett,) complain, nor of the distress of the corn-growing districts

adjacent to the Chesapeake Bay. We exported seventy-seven thousand nine hundred and thirty-four barrels of bee: in 1803, and last year but sixty-one thousand four hundred and eighteen, instead of one hundred and forty thousand two hundred and seventy-four barrels. In the same year, (1803,) we exported ninety-six thousand six hundred and two barrels of pork, and last year fifty-five thousand five hundred and twenty-nine, instead of one hundred and seventy-three thousand eight hundred and eighty-two barrels. Rice has not advanced, by any means, in the proportion which it ought to have done. All the small articles, such as cheese, butter, candles, &c. too minute to detail, but important in their aggregate, have also materially diminished. Cotton alone has advanced. But, whilst the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year exceeded that of the preceding year by near thirty millions of pounds. And yet the total value of the year of smaller exportation, exceeded that of the last year by upwards of three and a half millions of dollars. If this article, the capacity of our country to produce which was scarcely known in 1790, were subtracted from the mass of our exports, the value of the residue would only be a little upwards of twenty-seven millions during the last year. The distribution of the articles of our exports throughout the United States, cannot fail to fix the attention of the committee. Of the forty-seven millions one hundred and fifty-five thousand four hundred and eight, to which they amounted last year, three articles alone, (cotton, rice, and tobacco,) composed together twenty-eight millions five hundred and forty-nine thousand one hundred and seventy-seven. Now these articles are chiefly produced to the south. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one-fifth of the whole population of the United States produced upwards of one-half, nearly two-thirds, of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she

will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The *value* of our exports, for the future, may remain at about what it was last year. But, if we do not create some new market; if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton growing country. The cultivation will be greatly extended, the aggregate amount, annually produced, will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced, anywhere north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton-growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper; and the consumption, in his own country, and in foreign nations, other than ours, (where the *value* of the import must be limited to the value of the export, which I have supposed to remain the same,) being proportionally extended, there will be, consequently, an increased demand for the produce of *his* industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing the fo-

reign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society—the learned professions—commerce—agriculture, are now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places, before the vacancies existed. The pulse of incumbents, who happened to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and

our navy, are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens, in public employments, is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population, (and we have seen that it is not less than four-fifths,) which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants: but they bring no ability to the interests not planting; unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it was sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, 1st, from its steadiness and comparative certainty at all times; 2d, from the creation of reciprocal interests; 3d, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, (and consequently of comfort,) from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the PROTECTION of our own legislation against the inevitable prostration of our industry, which must ensue from the action of FOREIGN policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which,

by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeded the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artizans emigrating from abroad, we give by this bill employment to an equal number of our own citizens, now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not, nor cannot engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of

that consumption are produced in other parts of the union, that can manufacture, far from having on that account any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, *and is indispensably necessary* to the prosperity of the common family.

The great desideratum in political economy, is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages, were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analysing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of her population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people, the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one millions five hundred thousand. Supposing that, to furnish able-bodied labor to the amount of four millions, the natural

labor will be but two per centum of the artificial labor. In the production of wealth she operates, therefore, by a power, (including the whole population,) of two hundred and twenty-one millions five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power, (including all their population,) of twenty millions. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe, owned and yielded to its irresistible sway; and finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever memorable field of Waterloo! The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the united kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions, from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, every where the same, always unwillingly surrenders any of those circumstances, which display its pomp and exhibit its greatness. Cotemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burthens of taxation, and particularly that most onerous of all, the *income tax*. In this lowered state, the revenue of peace, gradually rising from the momentary de-

pression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone, (collected under twenty-five different heads,) amounted to twenty-eight millions, more than one half of the total revenue of the kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our constitution, have the exports of that kingdom been tripled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one-fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two millions four hundred thousand tons. Its average, during the three years, 1819, 1820, and 1821, was two millions six hundred thousand; exhibiting an increase of two hundred thousand tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen millions sterling. In the year 1820, it was sixteen millions six hundred thousand; in 1821, twenty millions five hundred thousand; in 1822, twenty-one millions six hundred and thirty-nine thousand pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain, from all foreign parts, of the ar-

tile of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country, (and a people better fed and clad and housed, are not to be found under the sun than the British nation,) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of twenty-one millions six hundred and thirty-nine thousand pounds, making a clear profit of upwards of sixteen millions five hundred thousand pounds sterling! In 1821, the value of the export of woollen manufactures was four millions three hundred thousand pounds. In 1822, it was five millions five hundred thousand pounds. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and, therefore, exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them? The average of the exports of British manufactures, during the peace, exceeds the average of the most productive years of the war. The amount of her wealth annually produced, is three hundred and fifty millions sterling; bearing a large proportion to all of her pre-existing wealth. The agricultural portion of it is said, by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One-third only of her population is engaged in agriculture; the other two-thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our own. [Here Mr. Clay exhibited the following table, made out from authentic materials.]

	Population.	Taxes & public burthens.	Taxation per capita.
Russia in Europe,	37,000,000	L.18,000,000	L.0 9 9
France, including Corsica,	30,700,000	\$7,000,000	1 4 0
Great Britain, exclusive of Ireland, (the taxes com- puted according to the value of money on the European continent.)	14,500,000	40,000,000	2 15 0
Great Britain and Ireland collectively,	21,500,000	44,000,000	2 0 0
England alone,	11,800,000	36,000,000	3 2 9
Spain,	11,000,000	6,000,000	0 11 0
Ireland,	7,000,000	4,000,000	0 11 0
The United States of America,	10,000,000	4,500,000	0 9 0

From this exhibit we must remark, that the wealth of Great Britain, (and consequently her power,) is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects, is not referred to for imitation, but as indicative of their wealth. The burthen of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be easier borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burthens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other power. But, if on a scale of their national and artificial labor, compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the united kingdom to be what I have already stated, two hundred and twenty-one millions five hundred thousand, the actual taxes paid by a British subject are only about three and seven-pence sterling. Estimating our own taxes, on a similar scale,—that is, supposing both descriptions of labor to be equal to that of twenty millions of able-

bodied persons—the amount of tax paid by each soul in the United States is four shillings and six-pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited, or rendered, in her industry, subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen, that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other states. What is our own condition? Depending upon the state of foreign powers—confiding exclusively in a foreign, to the culpable neglect of a domestic policy—our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain—and all our interests, stationary or declining. Peace brings to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace, on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I

am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes, depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the state; if to their wealth, they cheerfully and promptly pay the burthens imposed on them. Enormous as British taxation appears to be, in comparison with that of other nations, but really lighter, as it in fact is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity. [Here Mr. Clay read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burthensome, and that the prosecutions for violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it, having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay, yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine AMERICAN SYSTEM. We must naturalize the arts in our country; and we must naturalize them by the only means which the

wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed—a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people—if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burthens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It has been treated as an imposition of burthens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But, is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. 1. It may abstain from the use of the foreign article, and thus avoid the payment of the tax. 2. It may employ the rival American fabric. 3. It may engage in the business of manufacturing, which this bill is designed to foster. 4. Or it may supply itself from the household manufactures. But it is said, by the honorable gentleman from Virginia, that the south, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now, I do not agree in that opinion, to the extent in which it is asserted. The circumstance alluded to may disqualify the south from engaging, in every branch of manufacture, as largely as other quarters of the union, but to some branches of it, that part of our population is well adapted. It indisputably affords great facility in the household or domestic line. But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population,

happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well-being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went, with great pleasure, along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of congress, over that delicate subject, because it was my solemn conviction, that congress was interdicted, or at least not authorised, by the constitution, to exercise any such legislative power. And I am sure that the patriotism of the south may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen the consumption, in all parts of America, those which are not planting as well as the planting sections, of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton grower and the British manufacturer, the stipulations of which are, on the part of the cotton grower, that the whole of the United States, the other portions as well as the cotton growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the south. Thus, then, we perceive that the proposed measure, instead of sacrificing the south to the other parts of the union, seeks only to preserve them from being absolutely sacrificed under the

operation of the tacit compact which I have described. Supposing the south to be actually incompetent, or disinclined to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign powers, and Great Britain principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor, in the supply of the south, would be raised up, and ultimately, I cannot doubt, that it will be supplied cheaper and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained, the year before the last, a height which amounted to more than an equivalent for ten years protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of government, they may again be prostrated—and then, the Scottish manufacturer engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the general government will not, extend alike protection to the few Kentucky villages in which the article is made.

If the cotton growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton growing country itself.

2. The second objection to the proposed bill is, that it

will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us, if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon *certain* articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of *those* articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign states to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue, of about twenty millions, she must sell to other foreign powers than to the United States. Now their market will continue open to her, as much after the passage of this bill, as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her cheaper and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us: The consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a dis-

advantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty; that is, a little upwards of five per centum; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be, in the end, amply indemnified by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

3. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement, consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected, that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might, in that way, be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade, but that to Europe; that, with regard to that, there will be no sensible diminution of our exports; and that the new direction given to a portion of our industry will produce other objects of exportation, the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any

reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing, since 1818. And our coasting tonnage, since 1816, has increased upwards of one hundred thousand tons.

4. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavoured to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts, (Mr. Webster,) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance.—However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. In the mean time, there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of ex-

change, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation, *may* be made up, by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils; by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

5. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced

fifty per centum the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being revenue and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is that the importations, during this spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms, of the produce of our labor will not be diminished, but probably increased, then the amount of our importations, and, consequently, of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt.—The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia, (Mr. Barbour,) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burthened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute the comparison. It was in 1791 about seventy-five

millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per centum greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per centum. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current service of the years 1822, 1823, and 1824, exceeds, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended, (which is confidently denied,) with the supposed diminution of revenue. We shall not then have occasion to vary the existing system of taxation; we shall be under no necessity to resort either

to direct taxes or to an excise. But, suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York of the amount of the public revenue paid by that city, asked who would pay it if the collector's office were removed to Paulus Hook on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

6. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen, that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact, of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-

bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated, from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances, (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three—1st, capital; 2dly, extent and costliness of machinery; and, 3dly, steady and persevering industry. Not-

withstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and, behold the fruits of their just comprehension of our resources! Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture, and disgrace, were to be the certain, but not the worst effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially, an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with, and without the arts, may be conceived, by the difference between a keel-boat and a steam-boat, combatting the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendent boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steam-boat, laden with the riches of all quarters of the world, with a

crew of gay, cheerful, and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius!

7. But it is said that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be the case. Perhaps the care of the interests of one people, is sufficient for all the wisdom of one legislature; and that it is, among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries, is, that manufactures, without protection, will, in due time, spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry; I answer, the FACT has ever been so, and that is sufficient; I reply, that **UNIFORM EXPERIENCE** evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be who should refuse to bask in the rays of the sun, because he could not agree with judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to

attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say, that they are—1st; the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly; or makes a short crop; buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. 2dly, The uncertainty, fluctuation, and unsteadiness of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, 3dly, The superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry.— From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now, having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes! The competition for the transportation of the mail, between this place and Baltimore, so excited, that, to obtain it, an individual offered, at great loss, to carry it a whole year for one dollar! His calculation, no doubt, was that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents,

Q q

or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has every where succeeded, and reject that which would abandon it, which has every where failed.

8. But if the policy of protection be wise, the gentleman from Virginia, (Mr. Barbour,) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and although it is admitted that the incidental effect of duties, so laid, is to promote our manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed, with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

9. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it. [Here Mr. Barbour rose, (Mr. Clay giving way,) and said that England had departed from it in the China-trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done, is, to modify the monopoly of the East India Company, in behalf of one and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England; and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the species, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for in it is an illustrious proof of the success of our

restrictive policy, when resolutely adhered to. Great Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with her's in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy—which do not amount to a drop in the bucket—to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection, which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of pro-

hibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would extend the consumption of American produce, unable, in the infancy and unprotected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected, as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient; though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the middle ages, assigns the revival of the prosperity of the north of Europe to the success of the woollen manufactorys of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling? [Mr. Barbour stated it was reduced to six; to which Mr. Clay replied, that he entertained no doubt but that the benign operation of British protection of home industry had greatly reduced it within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.] The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation

of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But, is it true that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are no where adopted; or, if adopted, bring with them inevitable distress, impoverishment and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after the full experiment of the urestrictive system made in his own empire. I hope I shall give no offence in quoting from a publication issued from "the mint of Philadelphia;" from a work of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them. The emperor of Russia, in March, 1822, after about two years trial of the free system, says, through count Nesselrode:

"To produce happy effects, the principles of commercial freedom must be generally adopted. *The state which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations.*"

"From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but *experience, and more correct calculations, because they were made from certain data, and upon the results already known of the peace that had just taken place, forced them soon to adhere to the prohibitory system.*

"*England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the ri-*

valship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe."

*"In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system, makes, from day to day, sacrifices more extensive and more considerable. * * * * It offers a continual encouragement to the manufactures of other countries—and its own manufactures perish in the struggle which they are, as yet, unable to maintain.*

"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the 7—19 of December, 1818. AGRICULTURE WITHOUT A MARKET, INDUSTRY WITHOUT PROTECTION, LANGUISH AND DECLINE. SPECIE IS EXPORTED, AND THE MOST SOLID COMMERCIAL HOUSES ARE SHAKEN. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs.

"Events have proved that our AGRICULTURE and our COMMERCE, as well as our MANUFACTURING INDUSTRY, are not only paralyzed, but BROUGHT TO THE BRINK OF RUIN."

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her prosperity was greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided alto-

gether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and, if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia, does great injustice to the catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state of christendom, catholic? Is not Flanders, the most populous part of Europe, also catholic? Are the catholic parts of Switzerland and of Germany less prosperous than those which are protestant?

10. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the south. The dependents are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that state, are now in the most indigent condition. The best security against the demoralization of society, is the constant

and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures, and also against oppression, on the part of capitalists, towards the laboring portions of the community.

11. The last objection, with a notice of which I shall trouble the committee, is, that the constitution does not authorise the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the constitution. If we attempt to provide for the internal improvement of the country, the constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the constitution presents an insuperable obstacle. This constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the constitution. No doubt revenue was a principal object with the framers of the constitution in investing congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the constitution on which we rely. It is that which gives to congress the power to regulate commerce with foreign nations. The grant is plenary, without

any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the objects of it, and the terms. Under this power some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. Barbour said that he was not in congress.] Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration, has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own—of the Edwards, of Henry the great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are—by the master spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely farther behind him than they stood in advance of the most eminent of their predecessors—that singular man, who, whether he was seated on his imperial throne, deciding the fate of nations and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a state, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets. We find that Las Cases reports him to have said:

“ He opposed the principles of economists, which he said were correct in theory though erroneous in their application.

R r

The political constitution of different states, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury: they should be the guarantee and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which was a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary which is rich in every sort of production and manufactures, should incessantly guard against the importations of a rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference of mere brokers.

"I have not fallen into the error of modern systematizers," said the emperor, "who imagine that all the wisdom of nations is centered in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burthensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are in fact necessary with regard to certain objects. Duties cannot adequately supply the place of prohibitions: there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we not made,—what correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a graduation!"

"1st. *Agriculture*; the soul, the first basis of the empire.

"2d. *Industry*; the comfort and happiness of the population.

"3d. *Foreign trade*; the superabundance, the proper application of the surplus of agriculture and industry.

"Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

" Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures caused them to advance with giant strides. I gave an impulse, the effects of which extended throughout Europe.

" Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation, but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the treaty of Amiens; but I was then all-powerful; I was a hundred cubits high. I replied that if they were in possession of the heights of Montmartre I would still refuse to sign the treaty. These words were echoed through Europe.

" The English will now impose some such treaty on France, at least, if popular clamor and the opposition of the mass of the nation, do not force them to draw back. This thralldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

" When I came to the head of the government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They moreover had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount, without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports, and in spite of the English, who

ruled the seas, the Americans returned and submitted to my regulations. What might I not have done under more favorable circumstances?

"Thus I naturalized in France the manufacture of cotton, which includes:—

"1st. *Spun cotton*.—We did not previously spin it ourselves; the English supplied us with it as a sort of favor.

"2d. *The web*.—We did not yet make it; it came to us from abroad.

"3d. *The printing*.—This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to the council of state, that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and I conversed with him a long time. I learned from him, that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all: this was a true piece of statesmanship.

"I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess, within ourselves, the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English: which proves that, in civil government as well as in war, decision of character is often indispensable to success."

I will trouble the committee with only one other quotation, which I shall make from Lowe; and from hearing which, the committee must share with me in the mortification which I felt on perusing it. That author says: "It is now above forty years since the United States of America were definitively separated from us, and since their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending these once regretted provinces." Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman, our confederacy comprehends, within its

vast limits, great diversity of interests: agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the union, (I speak not of minute subdivisions,) what would be done for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case all should not be done for one which would be done, if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole union. The south entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the south. The north, the east, the west, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true, that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the north, the west, and the east, formed an independent state, unassociated with the south, can there be a doubt that

the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the south, which believes its interests to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the south obtains nothing in this compromise. Does it lose anything? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the south really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this bill, to foreign fabrics purchased by southern staples. So far its operation is beneficial to the south, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The south will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the south cannot exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the south? The obstructions which forbid them are natural, created by the immutable laws of God, and, therefore, unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connexion with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late

war? Or to remind the committee of the great advantage of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the sea-board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid of all foundations, the basis of common interest. And is not government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic. At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western states and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are two fold, direct and collateral, and, in the one shape or the other, they will diffuse themselves throughout

the union. All parts of the union will participate, more or less, in both. As to the direct benefit, it is probable that the north and the east will enjoy the largest share. But the west and the south will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know; Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artizans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously intreating the protecting interposition of congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire states and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the south—to the high-minded, generous, and patriotic south—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern

magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff, I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of congress, published in the National Intelligencer, stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A judicious tariff! No member of congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution, and, always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter.—1. The splendid talents which are arrayed in this house against us. 2. We are opposed by the rich and powerful in the land. 3. The executive government, if any, affords us but a cold and equivocal support. 4. The importing and navigating interest, I verily believe from misconception, are adverse to us. 5. The British factors and the British influence are inimical to our success. 6. Long established habits and prejudices oppose us. 7. The reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause

S s

of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbosomed in our mountains. And, in conclusion, I would pray God, in his infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

APPENDIX.

ON THE COLONIZATION OF THE NEGROES.

*Speech before the American Colonization Society, in the hall
of the House of Representatives, January 20, 1827, with
the documents therein referred to.*

Mr. Clay rose. I cannot (said he) withhold the expression of my congratulations to the society on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston, (Mr. Knapp,) who has just before favored us with an address. He has told us of his original impressions, unfavorable to the object of the society, and of his subsequent conversion. If the same industry, investigation and unbiased judgment, which he and another gentleman, (Mr. Powell,) who avowed at the last meeting of the society, a similar change wrought in his mind, were carried, by the public at large, into the consideration of the plan of the society, the conviction of its utility would be universal.

I have risen to submit a resolution, in behalf of which I would bespeak the favour of the society. But before I offer any observations in its support, I must say that, whatever part I shall take in the proceedings of this society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth any thing or not, no one but myself is at all responsible for them. I have consulted with no person out of this society; and I have especially abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has been brought, have been neither produced nor refuted by the official station the duties of which have been confided to me.

From the origin of this society, every member of it has, I believe, looked forward to the arrival of a period, when it would become necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause

which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been that the society has been able so long to sustain itself, and to do so much upon the charitable contributions of good and pious and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered, and grown under our hands, that the appeal to the power and resources of the public should be no longer deferred. The resolution which I have risen to propose contemplates this appeal. It is in the following words:—

“*Resolved*, that the board of managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the congress of the United States, and to the legislatures of the different states, for such pecuniary aid, in furtherance of the object of this society, as they may respectively be pleased to grant.”

In soliciting the countenance and support of the legislatures of the union and the states, it is incumbent on the society, in making out its case, to show, first—that it offers to their consideration a scheme which is practicable—and second—that the execution of the practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable. First.—It is now a little upwards of ten years since a religious, amiable and benevolent resident* of this city, first conceived the idea of planting a colony, from the United States, of free people of colour, on the western shores of Africa. He is no more, and the noblest eulogy which could be pronounced on him would be to inscribe upon his tomb, the merited epitaph—“Here lies

* It has been, since the delivery of the speech, suggested that the Rev. Robert Finley, of New Jersey, (who is also unfortunately dead,) contemplated the formation of a society, with a view to the establishment of a colony in Africa, and probably first commenced the project. It is quite likely that he did; and Mr. Clay recollects seeing Mr. Finley and consulting with him on the subject, about the period of the formation of the society. But the allusion to Mr. Caldwell was founded on the facts well known to Mr. Clay of his active agency in the organization of the society, and his unremitting subsequent labours, which were not confined to the District of Columbia, in promoting the cause.

the projector of the American Colonization Society." Amongst others, to whom he communicated the project, was the person who now has the honour of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called—organized as a deliberative body, and a constitution was formed. The society went into operation. He lived to see the most encouraging progress in its exertions, and died in full confidence of its complete success. The society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions, and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one, (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation,) it was a scheme of the slave holder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and ideal danger to the tenure by which that description of property is held,) declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value, or enjoying the privileges of freedom.* The society saw itself surrounded by every sort of embarrassment. What great human enterprize was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The society prosecuted undismayed its great work, appealing for succour to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested, from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its own authority or by its own means, to attempt emancipation partial or general; that it knows the general govern-

* A society of a few individuals, without power, without other resources than those which are supplied by spontaneous benevolence, to emancipate all the slaves of the country!

ment has no constitutional power to achieve such an object; that it believes that the states, and the states only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolutely, and voluntarily, to decide the question.

The object of the society was the colonization of the free coloured people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments are also voluntary. But it was said that no free coloured persons could be prevailed upon to abandon the comforts of civilized life and expose themselves to all the perils of a settlement in a distant, inhospitable and savage country; that, if they could be induced to go on such a quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effectuate its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or cannot be planted from the United States of free persons of colour on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war, and honorable peace, and transacts all the multiplied business of a civilized and Christian community.* It now has about five hundred souls, disciplined troops, forts, and other means of defence, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighbouring clans.

Numbers of the free African race among us are willing to go to Africa. The society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation—aliens—political—moral—social aliens, strangers, though natives. There, they would be in the midst of their friends and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the com-

* See the last annual report and the highly interesting historical sketch of the Rev. Mr. Ashmun.

munity. But on this matter, I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of colour themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of colour, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice-president, do, and secretaries, they have voted memorials addressed to the white people, in which they have argued the question with an ability, moderation, and temper, surpassing any that I can command, and emphatically recommended the colony of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject. I ask permission of the society to read this highly creditable document:

[Here Mr. Clay read the memorial referred to.]

The society has experienced no difficulty in the acquisition of a territory, upon reasonable terms, abundantly sufficient for a most extensive colony. And land in ample quantities, it has ascertained, can be procured in Africa, together with all rights of sovereignty, upon conditions as favorable as those on which the United States extinguish the Indian title to territory within their own limits.

In respect to the alleged incompetency of the scheme to accomplish its professed object, the society asks that that object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the society is to export the whole African population of the United States, bond and free; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to effect the transportation to Africa of a mass of population approximating to two millions of souls. Agreed; but that is not what the society contemplates. They have substituted their own notion for that of the society. What is the true nature of the evil of the existence of a portion of the African race in our population? It is not that there are *some*, but that there are *so many* among us of a different caste, of a different physical, if not moral, constitution, who never can amalgamate with the great body of our population. In every country, persons are to be found varying in their colour, origin, and character, from the native mass.

But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass, can be diminished or rendered stationary, deserves deliberate consideration.

The colonization society has never imagined it to be practicable, or within the reach of any means which the several governments of the union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable objects of domestic tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, &c. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if, during that whole term, the capital of the African stock could be kept down, or stationary, whilst that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious.—Let us suppose, for example, that the whole population at present of the United States, is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, whilst the European race should be left to multiply, we should find at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two.

And if the process were continued, during a second term of duplication, the proportion would be as forty to two—one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in society, would tend to accelerate the duplication of the European race, who, by all the laws of population, would fill up the void space.

This society is well aware, I repeat, that they cannot touch the subject of slavery. But it is no objection to their scheme, limited as it is exclusively to those free people of colour who are willing to migrate, that it admits of indefinite extension and application, by those who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those states or individuals, who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men, is solved—a country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. Vice-President, I shall not rest contented with the fact of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavour to simplify them as much as possible.—It will be borne in mind that the aim of the society is to establish in Africa a colony of the free African population of the United States; to an extent which shall be beneficial both to Africa and America. The whole free coloured population of the United States amounted in 1790, to fifty-nine thousand four hundred and eighty-one; in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term

T t

of ten years, was about eight and a half per cent per annum; during the second, about seven per cent per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free coloured persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acquisition of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free coloured population.

Of all descriptions of our population, that of the free coloured, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years, between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent per annum, whilst the latter did not much exceed two and a half. Hereafter it may be safely assumed, and I venture to predict will not be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent per annum. Their amount at the last census, being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand, at the present time. Now if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down at least to what it was at the commencement of the term. Is it practicable then to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to the judgments of the legislative authorities of our country. This is the whole scheme of the society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced

considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls, annually to Africa, would be one hundred and twenty-thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons (which is the provision of existing law) would be fifteen thousand tons. But as each vessel could probably make two voyages in the year, it may be reduced to seven thousand five hundred. And as both our mercantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further abatement might be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States, (and it already begins to supply subjects of an interesting trade,) might be incidentally employed to the same end.

Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping, too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiased men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the society, to a colony to be formed by the free and unconstrained consent of free persons of colour, it is no objection, but on the contrary, a great recommendation of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The society knows, and it affords just cause of felicitation, that all or any one of the states which tolerate slavery may carry the scheme of colonization into effect, in regard to the slaves within their respective limits, and thus ultimately rid themselves of an universally acknowledged curse.—A reference to the results of the several enumerations of the population of the United States will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted in 1790, to six hundred and ninety-six thousand, six hundred and ninety-seven; in 1800, to eight hun-

dred and ninety-six thousand, eight hundred and forty-nine; in 1810, to eleven hundred and ninety-one thousand, three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand, one hundred and twenty-eight. The rate of annual increase, (rejecting fractions and taking the integer to which they make the nearest approach,) during the first term of ten years was not quite three per centum per annum, during the second, a little more than three per centum per annum, and during the third, a little less than three per centum.* The mean ratio of increase for the whole period of thirty years was very little more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa in those states which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honour, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population increases the value of slave labour will diminish, in consequence of the superior advantages in the employment of free labour. And when the value of slave labour shall be materially lessened either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labour, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census (one million five hundred and thirty-eight thousand, one hundred and twenty-eight) is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of colour from the United States to Africa, to the aggregate annual increase both bond and free of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa, (supposing no reduction of present pri-

^m
T

^e See a table in page 339.

(ces) would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping, about one-ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental employment of vessels belonging both to the mercantile and military marines.

But, is the annual application of one million and forty thousand dollars, and the employment of sixty-five or even one hundred and thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot, looking forward to its domestic quiet, its happiness and its glory, that would not cheerfully contribute his proportion of the burthen to accomplish a purpose so great and so humane? During the general continuance of the African slave trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one-half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the states of this union, if they were seriously to engage in the good work? Is it credible—is it not a libel upon human nature to suppose, that the triumphs of fraud and violence and iniquity, can surpass those of virtue and benevolence and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race; and two of the African, on the supposition of the annual colonization of a number of the latter equal to the annual increase, of both of its classes, during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend

more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but, at first, insensibly, to diminish; and by the expiration of the period of duplication it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, whilst the subjects on which it would have to operate, will have decreased or remained stationary. If the business of colonization should be regularly continued during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, whilst the same ability will have been quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small that the most timid, may then, for ever, dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further; by the annual withdrawal of fifty-two thousand persons of colour, there would be annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. Vice-President, is the project of the society; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those states which are alone competent to undertake and execute it. All, or any one, of the states which tolerate slavery may adopt and execute it, by co-operation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations—if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son, I would not exchange the proud satisfaction which I should enjoy for the honour of all the triumphs ever decreed to the most successful conqueror.

Having I hope shown that the plan of the society is not visionary, but rational and practicable; that a colony does in

fact exist, planted under its auspices; that free people are willing and anxious to go; and that the right of soil as well as of sovereignty may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which remains to me of showing the beneficial consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti, for a time, had its partisans. Without throwing any impediments in the way of executing that scheme, the American colonization society has steadily adhered to its own. The Haytien project has passed away. Colonization beyond the Stony Mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, whilst it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their native soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe, (whose ways are often inscrutable by short sighted mortals,) thus to transform an original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free coloured. It is the inevitable result of their moral, political and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony can be firmly established and successfully continuued in Africa which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the states, whose laws sanction the existence of slavery, to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, by the Africans who remain, by the white population of our country, by Africa and by Ameri-

ca. It is a project which recommends itself to favour in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthropy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different colour, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust towards foreigners which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to convert the heathen, are of the same colour, the same family, the same physical constitution. When the purposes of the colony shall be fully understood, they will be received as long lost brethren restored to the embraces of their friends and their kindred by the dispensations of a wise providence.

The society is reproached for agitating this question. It should be recollected that the existence of free people of colour is not limited to the states only which tolerate slavery. The evil extends itself to all the states, and some of those which do not allow of slavery, (their cities especially,) experience the evil in an extent even greater than it exists in the slave states. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy. A patient, writhing under the tortures of excruciating disease, asks of his physician to cure him if he can, and, if he cannot, to mitigate his sufferings. But the remedy proposed, if generally adopted and perseveringly applied, for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of this question. The society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to

affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The society, composed of free men, concerns itself only with the free. Collateral consequences we are not responsible for. It is not this society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies towards liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger.

Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach of England, they embarked, amidst the scoffings and the false predictions of the assembled multitude, for this distant land; and here, in spite of all the perils of forest and ocean, which they encountered, successfully laid the foundations of this glorious republic. Un-

U u

330 ON THE COLONIZATION OF THE NEGROES.

dismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labours, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.

Extracts from the Report of the board of Managers of the American Colonization Society, presented at its annual meeting, January 13th, 1827, read by Mr. Clay in the course of the delivery of the preceding Speech.

The system of government established with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report, as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity, and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement, and in the election of their officers the colonists have evinced such integrity and judgment as afford promise of early preparation for all the duties of self-government. "The civil prerogatives and government of the colony and the body of the laws by which they are sustained," says the colonial agent, "are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people, with whom the first perceptible inclination of the sacred scale determines authoritatively, their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers."

The moral and religious character of the colony, exerts a powerful influence on its social and civil condition. That piety which had guided most of the early emigrants to Liberia, even before they left this country, to respectability and usefulness among their associates, prepared them, in laying the foundations of a colony, to act with a degree of wisdom and energy which no earthly motives could inspire. Humble, and for the most part unlettered men; born and bred in circumstances the most unfavorable to mental culture; unsustained by the hope of renown, and unfamiliar with the history of great achievements and heroic virtues, their's was nevertheless a spirit unmoved by dangers or by sufferings, which misfortunes could not darken, nor death dismay. They left America, and felt that it was forever: they landed in Africa, possibly to find a home, but certainly a grave. Strange would it have been had the religion of every individual of these early settlers proved genuine; but immensely changed as have been their circumstances and severely tried their faith, most have preserved untarnished the honors of their profession, and to the purity of their morals and the consistency of their conduct, is in a great measure to be attributed the social order and general prosperity of the colony of Liberia. Their example has proved most salutary; and while subsequent emigrants have found themselves awed and restrained, by their regularity, seriousness and devotion, the poor natives have given their confidence and acknowledged the excellence of practical christianity. "It deserves record," says Mr. Ashmun, "that religion has been the principal agent employed in laying and confirming the foundations of the settlement. To this sentiment ruling, restraining, and actuating the minds of a large proportion of the colonists, must be referred the whole strength of our civil government." Examples of intemperance, profaneness or licentiousness, are extremely rare, and vice

wherever it exists, is obliged to seek concealment from the public eye. The Sabbath is universally respected; Sunday schools, both for the children of the colony and for the natives, are established; all classes attend regularly upon the worship of God; some charitable associations have been formed for the benefit of the heathen; and, though it must not be concealed, that the deep concern on the subject of religion, which resulted, towards the conclusion of the year 1825, in the public profession of christianity by about fifty colonists, has in a measure subsided, and some few cases of delinquency since occurred; and though there are faults growing out of the early condition and habits of the settlers which require amendment; yet the managers have reason to believe, that there is a vast and increasing preponderance on the side of correct principle and virtuous practice.

The agriculture of the colony, has received less attention than its importance demands. This is to be attributed to the fact, that the labour of the settlers has been applied to objects conduced more immediately to their subsistence and comfort.

It will not, the board trust, be concluded that, because more might have been done for the agricultural interests of the colony, what has been effected is inconsiderable. Two hundred and twenty-four plantations, of from five to ten acres each, were, in June last, occupied by the settlers, and most of them are believed to be at present under cultivation. One hundred and fourteen of these are on cape Montserado, thirty-three on Stockton creek, (denominated the halfway farms, because nearly equi-distant from Mongovia and Caldwell, the St. Paul's settlement) and seventy-seven at the confluence of Stockton creek with the St. Paul's.

The St. Paul's territory includes the half-way farms, and is represented as a beautiful tract of country, comparatively open, well watered and fertile, and still further recommended as having been, for ages, selected by the natives on account of its productiveness for their rice and cassada plantations. The agricultural habits of the present occupants of this tract, concur with the advantages of their situation, in affording promise of success to their exertions. "Nothing," says the colonial agent, "but circumstances of the most extraordinary nature, can prevent them from making their way directly to respectability and abundance."

Oxen were trained to labour in the colony in 1825, and it was then expected that the plough would be introduced in the course of another year. Although commerce has thus far taken the lead of agriculture, yet the excellence of the soil, the small amount of labour, required for its cultivation, and the value and abundance of its products, cannot fail, finally, to render the latter the more cherished, as it is, certainly, the more important interest of the colony.

The trade of Liberia has increased with a rapidity almost unexampled, and while it has supplied the colonists not only with the necessaries, but with the conveniences and comforts of life, the good faith with which it has been conducted, has conciliated the friendship of the natives, and acquired the confidence of foreigners.

The regulations of the colony allowing no credits, except by a written permission, and requiring the barter to be carried on through factories established for the purpose, has increased the profits of the traffic, and prevented numerous evils which must have attended upon a more unrestricted license.

Between the first of January and the fifteenth of July, 1826, no less than fifteen vessels touched at Monrovia and purchased the produce of the country, to the amount, according to the best probable estimate, of forty-three thousand nine hundred and eighty dollars, African value. The exporters of this produce realize, on the sale of the goods given in barter for it, a profit of twenty-one thousand nine hundred and ninety dollars, and on the freight, of eight thousand seven hundred and eighty-six dollars, making a total profit of thirty thousand seven hundred and eighty-six dollars.

A gentleman in Portland has commenced a regular trade with the colony; and for his last cargo landed in Liberia, amounting to eight thousand dollars, he received payment in the course of ten days. The advantages of this trade to the colony, are manifest from the high price of labour, (that of mechanics being two dollars per day, and that of common labourers from seventy-five cents to one dollar and twenty-five cents,) and from the easy and comfortable circumstances of the settlers. "An industrious family, twelve months in Africa, destitute of the means of furnishing an abundant table, is not known; and an individual, of whatever age or sex, without ample provision of decent apparel, cannot, it is believed, be found." "Every family," says Mr. Ashmun, "and nearly every single adult person in the colony, has the means of employing from one to four native labourers, at an expense of from four to six dollars the month; and several of the settlers, when called upon in consequence of sudden emergencies of the public service, have made repeated advances of merchantable produce, to the amount of three hundred to six hundred dollars each."

The managers are happy to state, that the efforts of the colonial agent to enlarge the territory of Liberia, and particularly to bring under the government of the colony a more extended line of coast, have been judicious and energetic, and in nearly every instance resulted in complete success. From Cape Mount to Tradetown, a distance of one hundred and fifty miles, the colonial government has acquired partial jurisdiction. Four of the most important STATIONS on this tract, including Montserado, belong to the society, either by actual purchase, or by a deed of perpetual lease; and such negotiations have been entered upon with the chiefs of the country, as amount to a preclusion of all Europeans from any possessions within these limits. The fine territory of the St Paul's, now occupied by settlers, was described in the last annual report of the society.

The territory of Young Sesters, recently ceded to the society, is ninety miles south of Montserado, in the midst of a very productive rice country, affording also large quantities of palm oil, camwood, and ivory. The tract granted to the colony, includes the bed of the Sester's river, and all the land on each side, to the distance of half a league, and extending longitudinally from the river's mouth to its source. In compliance with the terms of the contract, the chief of the country has constructed a commodious store house, and put a number of labourers sufficient for the cultivation of a rice plantation of forty acres, under the direction of a respectable colonist who takes charge of the establishment.

The right of use and occupancy has also been obtained to a region of country on the south branch of the St. John's river, north nine miles from Young Sesters, and the trading factory established there, under

the superintendence of a family from Monrovia, has already provided a valuable source of income to the colony. Rice is also here to be cultivated, and the chief who cedes the territory, agrees to furnish the labour.

The upright and exemplary conduct of the individual at the head of this establishment, has powerfully impressed the natives with the importance of inviting them to settle in their country; and consequently, the offer made by the colonial agent, for the purchase of Factory Island, has been accepted by its proprietor. This island is in the river St. John's, four miles from its mouth, from five to six miles in length, and one-third of a mile in breadth, and is among the most beautiful and fertile spots in Africa. A few families are about to take up their residence upon it, and prepare for founding a settlement, "which cannot fail," says Mr. Ashmun, "in a few years, to be second to no other in the colony, except Monrovia."

Negotiations are also in progress with the chiefs of Cape Mount, which, if successful, will secure to the colony the whole trade of that station, estimated at fifty thousand dollars per annum, and may ultimately lead to its annexation to the territories of Liberia. "The whole country between Cape Mount and Trade Town," observes Mr. Ashmun, "is rich in soil and other natural advantages, and capable of sustaining a numerous and civilized population beyond almost any other country on earth. Leaving the sea-board, the traveller, every where, at the distance of a very few miles, enters upon a uniform upland country, of moderate elevation, intersected by innumerable rivulets, abounding in springs of unfading water, and covered with a verdure which knows no other changes except those which refresh and renew its beauties. The country directly on the sea, although verdant and fruitful to a high degree, is found every where to yield, in both respects, to the interior."

Much progress has been made the last year, in the construction of public buildings and works of defence, though, with adequate supplies of lumber, more might doubtless have been accomplished. Two handsome churches, erected solely by the colonists, now adorn the village of Monrovia. Fort Stockton has been rebuilt in a style of strength and beauty. A receptacle capable of accommodating one hundred and fifty emigrants, is completed. The new agency house, market house, Lancasterian school, and town house, in Monrovia, were, some months since, far advanced, and the finishing strokes were about to be given to the government house on the St. Paul's. The wing of the old agency house has been "handsomely fitted up for the colonial library, which now consists of twelve hundred volumes systematically arranged in glazed cases with appropriate hangings. All the books are substantially covered, and accurately labelled; and files of more than ten newspapers, more or less complete, are preserved. The library is fitted up so as to answer the purpose of a reading room, and it is intended to make it a museum of all the natural curiosities of Africa, which can be procured."

No efforts have been spared to place the colony in a state of adequate defence, and while it is regarded as perfectly secure from the native forces, it is hoped and believed, that it may sustain itself against any piratical assaults. "The establishment has fifteen large carriage guns and three small pivot guns, all fit for service." Fort Stockton overlooks the whole town of Monrovia, and a strong battery is now building on the

height of Thompson Town, near the extremity of the cape, which it is thought will afford protection to vessels anchoring in the roadstead. The militia of the colony consists of two corps appropriately uniformed, one of artillery of about fifty men, the other of infantry of forty men, and on various occasions have they proved themselves deficient neither in discipline or courage.

Extracts from the Rev. J. Ashmun's report of the Colony.

The money expended on these various objects has necessarily been considerable; but, in comparison with the expense which similar objects in this country cost European governments, it will be found not merely moderate, but trifling. Less than has been effected towards the extension of our limits, I could not attempt: and I am certain that were the direction of every other establishment on the coast, except the Portuguese, would regard itself not only authorized, but obliged, to pay away thousands—I have in countless instances, spent not a *dollar*. But that species of economy which sacrifices to itself any object essential to the success of this undertaking, I am as little able to practice as the board is to approve.

The natives of the country, but particularly of the interior, notwithstanding their habitual indolence, produce, after supplying their own wants, a considerable surplus of the great staple of this part of western Africa—rice. The moderate rate at which this grain is purchased by such as deal directly with the growers; and the various uses of which it is susceptible in the domestic economy, easily place the means of supplying the first necessities of nature in the reach of every one. Rice, moreover, always commands a ready sale with transient trading vessels or coasters; and forms an useful object of exchange for other provisions and necessaries, between individuals of the colony.

To this succeeds, as next in importance, the camwood of the country, of which several hundred tons every year pass through the hands of the settlers; and serve to introduce, in return, the provisions and groceries of America; and the dry goods and wares both of Europe and America, which, from the necessary dependence of the members of every society on each other, come soon to be distributed, for the common advantage of all.

The ivory of Liberia is less abundant, and less valuable, than that of other districts of Western Africa. It, however, forms a valuable article of barter and export, to the settlement; and the amount annually bought and sold, falls between five and eight thousand dollars.

No less than FIVE schools for different descriptions of learners, exclusive of the Sunday Schools, have been supported during the year, and still continue in operation.—The youths and children of the colony discover for their age, unequivocal proofs of a good degree of mental accomplishment. The contrast between children several years in the enjoyment of the advantages of the colony, and most others of the same age, arriving from the United States, is striking—and would leave an entire stranger at no loss to distinguish the one from the other. Should emigration, but for a very few months, cease to throw the little ignorants into the colony, from abroad, the phenomenon of a child of five years, unable to read, it is believed, would not exist among us.

The first successful essay in the construction of small vessels, has

been made the past year. I have built, and put upon the rice trade, between our factories to the leeward, and cape Montserado, a schooner of ten tons burthen, adapted to the passage of the bars of all the navigable rivers of the coast. The sailing qualities of this vessel are so superior, that before the wind, it is believed, few or none of the numerous pirates of the coast, can overtake her. She makes a trip, freighted both ways, in ten days; and commonly carries and brings merchandise and produce, to the amount of from four to eight hundred dollars each trip. Another craft of equal tonnage, but of very indifferent materials, has been built by one of the colonists. The model of the St. Paul's (the public boat) was furnished by myself; but she was constructed under the superintendence of J. Blake, who has thus entitled himself to the character of an useful and ingenious mechanio.

One of the most obvious effects of this colony, has already been to check, in this part of Africa, the prevalence of the slave-trade. The promptness and severity with which our arms have, in every instance, avenged the insults and injuries offered by slave ships and factories to the colony, have, I may confidently say, banished it forever from this district of the coast. Our influence with the natives of this section of the coast is known to be so great as to expose to certain miscarriage, any transaction entered into with them for slaves. But there is a moral feeling at work in the minds of most of our neighbours, contracted doubtless, by means of their intercourse with the colony, which represents to them the dark business in a new aspect of repulsiveness and absurdity. Most are convinced that it is indeed a *bad business*,—and are apparently sincere in their determination to drop it forever, unless compelled by their wants to adventure a few occasional speculations.

In the punishment of offences, the most lenient maxims of modern jurisprudence have been observed, by way of experiment on human nature, in that particular modification of it exhibited by the population of this colony. The result has been, *so far* favourable to the policy pursued. The passion to which corporeal and other ignominious punishments address their arguments, is certainly one of the least ingenuous of the human constitution.

Extracts from a Memorial from the free people of colour to the citizens of Baltimore.

We have hitherto beheld, in silence, but with the intensest interest, the efforts of the wise and philanthropic in our behalf. If it became us to be silent, it became us also to feel the liveliest anxiety and gratitude.

The time has now arrived, as we believe, in which your work and our happiness may be promoted by the expression of our opinions. We have therefore assembled for that purpose, from every quarter of the city and every denomination, to offer you this respectful address with all the weight and influence which our number, character, and cause can lend it.

We reside among you, and yet are strangers; natives, and yet not citizens; surrounded by the freest people and most republican institutions in the world, and yet enjoying none of the immunities of freedom.

It is not to be impugned to you that we are here. Your ancestors remonstrated against the introduction of the first of our race, who were brought amongst you; and it was the mother country that insisted on

their admission, that her colonies and she might profit, as she thought, by their compulsory labour. But the gift was a curse to them, without being an advantage to herself. The colonies, grown to womanhood, burst from her dominion; and if they have an angry recollection of their union and rupture, it must be at the sight of the baneful institution which she has entailed upon them.

How much you regret its existence among you, is shown by the severe laws you have enacted against the slave-trade, and by your employment of a naval force for its suppression. You have gone still further. Not content with checking the increase of the already too growing evil, you have deliberated how you might best exterminate the evil itself. This delicate and important subject has produced a great variety of opinions; but we find, even in that diversity, a consolatory proof of the interest with which you regard the subject, and of your readiness to adopt that scheme which may appear to be the best.

Leaving out all considerations of generosity, humanity, and benevolence, you have the strongest reasons to favour and facilitate the withdrawal from among you of such as wish to remove. It ill consists, in the first place, with your republican principles and with the health and moral sense of the body politic, that there should be in the midst of you an extraneous mass of men, united to you only by soil and climate, and irrevocably excluded from your institutions. Nor is it less for your advantage in another point of view. Our places might, in our opinion, be better occupied by men of your own colour, who would increase the strength of your country. In the pursuit of livelihood and the exercise of industrious habits, we necessarily exclude from employment many of the whites—your fellow citizens, who would find it easier in proportion as we depart, to provide for themselves and their families.

But if you have every reason to wish for our removal, how much greater are our inducements to remove! Though we are not slaves, we are not free. We do not, and never shall participate in the enviable privileges which we continually witness. Beyond a mere subsistence, and the impulse of religion, there is nothing to arouse us to the exercise of our faculties, or excite us to the attainment of eminence.

Of the many schemes that have been proposed, we most approve of that of *African colonization*. If we were able and at liberty to go whithersoever we would, the greater number, willing to leave this community, would prefer LIBERIA, on the coast of Africa. Others, no doubt, would turn them towards some other regions: the world is wide. Already, established there in the settlement of the American colonization society, are many of our brethren, the pioneers of African restoration, who encourage us to join them. Several were formerly residents of this city, and highly considered by the people of their own class and colour. They have been planted at cape Monterado, the most eligible and one of the most elevated sites on the western coast of Africa, selected in 1821; and their number has augmented to five hundred. Able, as we are informed, to provide for their own defence and support, and capable of self-increase, they are now enjoying all the necessaries and comforts and many of the luxuries of larger and older communities. In Africa we shall be freemen indeed, and republicans after the model of this republic. We shall carry your language, your customs, your opinions and christianity to that now desolate shore, and thence they will gradually spread, with our growth, far into the continent. The slave-trade, both external and

internal, can be abolished only by settlements on the coast. Africa, if destined to be ever civilized and converted, can be civilized and converted by that means only.

We foresee that difficulties and dangers await those who emigrate, such as every infant establishment must encounter and endure; such as your fathers suffered when first they landed on this now happy shore.

The portion of comforts which they may lose, they will cheerfully abandon. Human happiness does not consist in meat and drink, nor in costly raiment, nor in stately habitations; to contribute to it even, they must be joined with equal rights and respectability; and it often exists in a high degree without them.

That you may facilitate the withdrawal from among you of such as wish to remove, is what we now solicit. It can best be done, we think, by augmenting the means at the command of the American colonization society, that the colony of Liberia may be strengthened and improved for their gradual reception. The greater the number of persons sent thither, from any part of this nation whatsoever, so much the more capable it becomes of receiving a still greater. Every encouragement to it, therefore, though it may not seem to have any particular portion of emigrants directly in view, will produce a favourable effect upon all. The emigrants may readily be enabled to remove, in considerable numbers every fall, by a concerted system of individual contributions, and still more efficiently by the enactment of laws to promote their emigration, under the patronage of the state. The expense would not be nearly so great as it might appear at first sight, for when once the current shall have set towards Liberia, and intercourse grown frequent, the cost will of course diminish rapidly, and many will be able to defray it for themselves. Thousands and tens of thousands poorer than we, annually emigrate from Europe to your country, and soon have it in their power to hasten the arrival of those they left behind—Every intelligent and industrious coloured man would continually look forward to the day, when he or his children might go to their veritable home, and would accumulate all his little earnings for that purpose.

We have ventured these remarks, because we know that you take a kind concern in the subject to which they relate, and because we think they may assist you in the prosecution of your designs. If we were doubtful of your good will and benevolent intentions, we would remind you of the time when you were in a situation similar to ours, and when your forefathers were driven, by religious persecution, to a distant and inhospitable shore. We are not so persecuted, but we, too, leave our homes, and seek a distant and inhospitable shore: an empire may be the result of our emigration, as of their's. The protection, kindness, and assistance which you would have desired for yourselves under such circumstances, now extend to us: so may you be rewarded by the riddance of the stain and evil of slavery, the extension of civilization and the gospel, and the blessings of our common Creator!

WILLIAM CORNISH,
Chairman of the meeting in Bethel church.

ROBERT COWLEY,
Secretary of the meeting in Bethel church.

JAMES DEAVER,
Chairman of the meeting in the African church, Sharp street.

REMUS HARVEY,
Secretary of the meeting in the African church, Sharp street.

A TABLE,

Exhibiting the amount of the African portion of the population of the United States, according to the returns of the several censuses, with the ratio of increase.

CENSUS OF 1790.

Slaves, -	-	-	-	697,897
All other persons of colour except Indians, not taxed, -	-	-	-	59,481

CENSUS OF 1800.

Slaves, -	-	-	-	896,849
All other persons, as above, -	-	-	-	110,072

Rate of increase of slaves between 1790 and 1800,	2.85442 pr. et. pr. ann.
Do. do. persons of colour do.	8.5054

CENSUS OF 1810.

Slaves, -	-	-	-	1,191,364
All other persons of colour, as above, -	-	-	-	186,446

Rate of increase of slaves between 1800 and 1810	3.2838861 pr. et. pr. ann.
Do. do. persons of colour do.	6.93564931

CENSUS OF 1820.

Slaves, -	-	-	-	1,538,128
All other persons of colour, as above, -	-	-	-	233,630

Rate of increase of slaves between 1810 and 1820	2.911
Do. do. persons of colour do.	2.52534246

Mean ratio of increase of slaves during the whole period of 30 years.	3.0164353
Do. of persons of colour,	5.98976392

Present rate of increase of slaves, according to the last census,	2.911
Do. do. of free persons of colour	2.52534246

or a little more than two and a half per centum per annum.

ON THE BANK QUESTION.

*A sketch of what Mr. Clay said on the Bank Question, in an address to his Constituents in Lexington, June 3d, 1816.
[Extracted from the Kentucky Gazette.]*

On one subject, that of the bank of the United States, to which at the late session of congress he gave his humble support, Mr. Clay felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the state and the district to which he belonged, had a right to demand. It would have been unnecessary, if his observations, addressed to the house of representatives, pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the senate of the United States, he was induced to oppose the renewal of the charter to the old bank of the United States by three general considerations. The first was, that he was instructed to oppose it by the legislature of the state. What were the reasons that operated with the legislature, in giving the instruction, he did not know. He has understood from members of that body, at the time it was given, that a clause, declaring that congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the legislature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact, that although the two late senators from this state, as well as the present senators, voted for a national bank, the legislature which must have been well apprised that such a measure was in contemplation, did not again interpose either to protest against the measure itself, or to censure the conduct of those senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the general government, he had a right to believe that the legislature of Kentucky saw, without dissatisfaction, the

proposal to establish a national bank; and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a national bank, being a member of the house of representatives, the point of inquiry with him was not so much what was the opinion of the legislature, although undoubtedly the opinion of a body so respectable would have great weight with him under any circumstances, as what were the sentiments of his immediate constituents. These he believed to be in favour of such an institution, from the following circumstances: In the first place his predecessor, (Mr. Hawkins) voted for a national bank, without the slightest murmur of discontent. Secondly, during the last fall, when he was in his district he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception as far as he recollects, agreed that it was a desirable, if not the only efficient remedy for the alarming evils in the currency of the country. And lastly, during the session he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed without a solitary exception, in advising the measure. So far then from being instructed by his district to oppose the bank, he had what was perhaps tantamount to an instruction to support it—the acquiescence of his constituents in the vote of their former representative, and the communications, oral and written, of the opinions of many of them in favour of a bank.

The next consideration which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression for that purpose, were asserted to have occurred at Philadelphia and at Charleston; and, although denied in congress by the friends of the institution during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression indeed was admitted in the house of representatives in the debate on the present bank, by a distinguished member of that party which had so warmly espoused the renewal of the old charter. It may be said, what security is there that the

new bank will not imitate this example of oppression?—He answered, the fate of the old bank warning all similar institutions to shun politics, with which they ought not to have any concern. The existence of abundant competition arising from the great multiplication of banks, and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811 was that as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, congress was not authorized to continue the bank. The constitution, he said, contained powers delegated, and prohibitory, powers expressed and constructive. It vests in congress all powers *necessary* to give effect to the enumerated powers—all that may be necessary to put into motion and activity the machine of government which it constructs. The powers that may be so necessary are deducible by construction. They are not defined in the constitution. They are from their nature, indefinable. When the question is in relation to one of these powers, the point of inquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the general government?—With regard to the *degree* of necessity, various rules have been, at different times laid down; but, perhaps, at last there is no other than a sound and honest judgment exercised, under the checks and control which belong to the constitution and to the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time, under one state of things, when it is perceived at another time, under a different state of things. The constitution, it is true, never changes; it is always the same; but the force of circumstances and the lights of experience, may evolve to the fallible persons, charged with its administration, the fitness and necessity of a particular exercise of constructive power to-day, which they did not see at a former period.

Mr. Clay proceeded to remark, that when the application

was made to renew the old charter of the bank of the United States, such an institution did not appear to him to be so necessary to the fulfillment of any of the objects specifically enumerated in the constitution as to justify congress in assuming, by construction, a power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several states, were at that time in prosperous existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connexion, the most intimate. Many of them were actually employed by the treasury to aid that department, in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superceded in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the general government to incorporate a national bank. A total change of circumstances was presented—Events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the state authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. He saw these institutions in fact exercising what had been considered at all times and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit or distribution of the public revenues. In fact the paper which they emitted, and which the treasury, from the force of events found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of govern-

ment, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much less than he ought to have done as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions, than where they were suspended. In Kentucky, as much more was paid by the people in their taxes than was paid, for example, in the state of Ohio, as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. Clay that in this condition of things the general government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen state sovereignties, some of which by a single act of volition had created twenty or thirty at a time. Even if the resumption of specie payments could have been anticipated, the general government remaining passive, it did not seem to him that the general government ought longer to depend upon these local institutions exclusively for aid in its operations. But he did not believe it could be justly so anticipated. It was not the interest of all of them that the renewal should take place of specie payments, and yet without concert between all or most of them it could not be effected. With regard to those disposed to return to a regular state of things great difficulties might arise, as to the time of its commencement.

Considering then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm, that it threatened general distress if it did not ultimately lead to convulsion and subversion of the government, it appeared to him to be the duty of congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures was proposed as that remedy. Mr. Clay said he determined to examine the question, with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure. But, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank

appeared to him not only necessary, but indispensably necessary, in connexion with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, under the state of things then existing, not to be necessary to the general government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had laid against the renewal of the charter other than that derived from the constitution, he should have voted for the renewal.

Other provisions of the constitution but little noticed, if noticed at all, on the discussions in congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon congress the power to coin money and to regulate the value of foreign coins; and the states are prohibited to coin money, to emit bills of credit, or to make any thing but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the general government. In point of fact however, the regulation of the general currency is in the hands of the state governments, or which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a tender, and even this is imparted to it by some states, in the law by which a creditor must receive it, or submit to a ruisous suspension of the payment of his debt. It was incumbent upon congress to recover the control which it had lost, over the general currency. The remedy called for, was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks and their paper thrown into circulation, was in the power of the general government or not, neither congress nor the community were prepared for the application of such a remedy. An indirect remedy, of a milder character, seemed to be furnished by a national bank. Going into operation, with the powerful aid of the treasury of the United States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by congress for that object, he believed the remedy effectual. The local banks must follow the

Y y

example which the national bank would set them, of redeeming their notes by the payment of specie, or their notes will be discredited and put down.

If the constitution then warranted the establishment of a bank, other considerations besides those already mentioned strongly urged it. The want of a general medium is every where felt. Exchange varies continually not only between different parts of the union, but between different parts of the same city. If the paper of a national bank were not redeemed in specie, it would be much better than the current paper, since although its value in comparison with specie might fluctuate, it would afford an uniform standard.

If political power be incidental to banking corporations, there ought perhaps to be in the general government some counterpoise to that which is exerted by the states. Such a counterpoise might not indeed be so necessary, if the states exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single state has a banking capital equivalent or nearly so, to one-fifth of the whole banking capital of the United States. Four states combined have the major part of the banking capital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged that the mischief would not be alleviated by the creation of a national bank, since its location must be within one of the states. But in this respect the location of the bank is extremely favorable, being in one of the middle states, not likely from its position as well as its loyalty, to concur in any scheme for subverting the government. And a sufficient security against such contingency is to be found in the distribution of branches in different states, acting and reacting upon the parent institution, and upon each other.

ADDRESS

*To the people of the Congressional District composed of the
Counties of Fayette, Woodford, and Clarke, in Kentucky,
1824.*

The relations of your representative and of your neighbour, in which I have so long stood, and in which I have experienced so many strong proofs of your confidence, attachment, and friendship, having just been, the one terminated, and the other suspended, I avail myself of the occasion on taking, I hope a temporary, leave of you, to express my unfeigned gratitude for all your favours, and to assure you that I shall cherish a fond and unceasing recollection of them. The extraordinary circumstances in which, during the late session of congress, I have been placed, and the unmerited animadversions which I have brought upon myself, for an honest and faithful discharge of my public duty, form an additional motive for this appeal to your candour and justice. If, in the office which I have just left, I have abused your confidence and betrayed your interests, I cannot deserve your support in that on the duties of which I have now entered. On the contrary, should it appear that I have been assailed without just cause, and that misguided zeal and interested passions have singled me out as a victim, I cannot doubt that I shall continue to find, in the enlightened tribunal of the public, that cheering countenance and impartial judgment, without which a public servant cannot possibly discharge with advantage the trust confided to him.

It is known to you, that my name had been presented, by the respectable states of Ohio, Kentucky, Louisiana, and Missouri, for the office of president, to the consideration of the American public; and that it had attracted some attention in other quarters of the union. When, early in November last, I took my departure from the district to repair to this city, the issue of the presidential election before the people was unknown. Events, however, had then so far transpired as to render it highly probable that there would be no election by the people, and that I should be excluded from the house of representatives. It became, therefore, my duty to consider, and to make up an opinion on, the respect-

ive pretensions of the three gentlemen that might be returned, and at that early period I stated to Dr. Drake, one of the professors in the Medical school of Transylvania University, and to John J. Crittenden, Esq. of Frankfort, my determination to support Mr. Adams in preference to gen. Jackson. I wrote to Charles Hammond, Esq. of Cincinnati, about the same time, and mentioned certain objections to the election of Mr. Crawford, (among which was that of his continued ill health,) that appeared to me almost insuperable. During my journey hither, and up to near Christmas, it remained uncertain whether Mr. Crawford or I would be returned to the house of representatives. Up to near Christmas, all our information made it highly probable that the vote of Louisiana would be given to me, and that I should consequently be returned, to the exclusion of Mr. Crawford. And, whilst that probability was strong, I communicated to Mr. Senator Johnston, from Louisiana, my resolution not to allow my name, in consequence of the small number of votes by which it would be carried into the house, if I were returned, to constitute an obstacle, for one moment, to an election in the house of representatives.

During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Every body professed to regret, after I was excluded from the house, that I had not been returned to it. I seemed to be the favourite of every body. Describing my situation to a distant friend, I said to him, "I am enjoying, whilst alive, the posthumous honours which are usually awarded to the venerated dead." A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration than some of the friends of general Jackson. None were so reserved as those of Mr. Adams; under an opinion, (as I have learnt since the election,) which they early imbibed, that the western vote would be only influenced by its own sense of public duty; and that if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were

worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before me, upon which my judgment was to be formed or re-reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation, in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

Meanwhile that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man standing as I had stood toward the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to "Mr. Clay and his friends a mysterious air, a portentous silence," &c. From dark and distant hints the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprised of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future, which it was impossible to mistake. No man but myself could know the nature, extent, and variety of means which were employed to awe and influence me. I bore them, I trust, as *your* representative ought to have borne them, and as became me. Then followed the letter, afterwards adopted as his own by Mr. Kremer, to the Columbian Observer—With its character and contents you are well acquainted. When I saw that letter, alleged to be written by a member of the very house over which I was presiding, who was so far designated as to be described as belonging to a particular delegation, by name, a member with whom I might be daily exchanging, at least on my part, friendly salutations, and who was possibly receiving from me constantly acts of courtesy and kindness, I felt that I

could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction: nor will I conceal, that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhorrence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription.

A few days after the publication of my card, "Another Card," under Mr. Kremer's name, was published in the Intelligencer. The night before, as I was voluntarily informed, Mr. Eaton, a senator from Tennessee, and the biographer of general Jackson (who boarded in the end of this city opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half) was closeted for some time with him. Mr. Kremer is entitled to great credit for having overcome all the disadvantages, incident to his early life and want of education, and forced his way to the honorable station of a member of the house of representatives. Ardent in his attachment to the cause which he had espoused, general Jackson is his idol, and of his blind zeal others have availed themselves, and have made him their dupe and their instrument. I do not pretend to know the object of Mr. Eaton's visit to him. I state the fact, as it was communicated to me, and leave you to judge. Mr. Kremer's card is composed with some care and no little art, and he is made to avow in it, though somewhat equivocally, that he is the author of the letter to the Columbian Observer. To Mr. Crowninshield, a member from Massachusetts, formerly secretary of the navy, he declared that he was not the author of that letter. In his card, he draws a clear line of separation between my friends and me, acquitting them and undertaking to make good his charges, in that letter, only so far as I was concerned. The purpose of this discrimination is obvious. At that time the election was undecided, and it was therefore as important to abstain from imputations

against my friends as it was politic to fix them upon me. If they could be made to believe that I had been perfidious, in the transport of their indignation, they might have been carried to the support of general Jackson. I received the National Intelligencer, containing Mr. Kremer's card, at breakfast, (the usual time of its distribution,) on the morning of its publication. As soon as I read the card, I took my resolution. The terms of it clearly implied that it had not entered into his conception to have a personal affair with me; and I should have justly exposed myself to universal ridicule, if I had sought one with *him*. I determined to lay the matter before the house, and respectfully to invite an investigation of my conduct. I accordingly made a communication to the house, on the same day, the motives for which I assigned. Mr. Kremer was in his place, and, when I sat down, rose and stated that he was prepared and willing to substantiate his charges against me. This was his voluntary declaration, unprompted by his aiders and abettors, who had no opportunity of previous consultation with him on that point. Here was an issue publicly and solemnly joined, in which the accused invoked an inquiry into serious charges against him, and the accuser professed an ability and a willingness to establish them. A debate ensued, on the next day, which occupied the greater part of it, during which Mr. Kremer declared to Mr. Brent, of Louisiana, a friend of mine, and to Mr. Little, of Maryland, a friend of general Jackson, as they have certified, "that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams, as president, or that he had transferred, or could transfer, the votes or interests of his friends; that he (Mr. Kremer,) was among the last men in the nation to make such a charge *against Mr. Clay*; and that his letter was never intended to convey the idea given to it." Mr. Digges, a highly respectable inhabitant of this city, has certified to the same declarations of Mr. Kremer.

A message was also conveyed to me, during the discussions, through a member of the house, to ascertain if I would be satisfied with an explanation which was put on paper and shown me, and which it was stated Mr. Kremer was willing, in his place, to make. I replied that the matter was in the possession of the house. I was afterwards told, that Mr. Ingham, of Pennsylvania, got hold of that paper, put it in his pocket, and that he advised Mr. Kremer to take no

step without the approbation of his friends. Mr. Cook, of Illinois, moved an adjournment of the house, on information which he received of the probability of Mr. Kremer's making a satisfactory atonement on the next day, for the injury which he had done me, which I have no doubt he would have made, if he had been left to the impulses of his native honesty. The house decided to refer my communication to a committee, and adjourned until the next day to appoint it by ballot. In the meantime Mr. Kremer had taken, I presume, or rather there had been forced upon him, the advice of *his friends*, and I heard no more of the apology. A committee was appointed of seven gentlemen, of whom not one was my political friend, but who were among the most eminent members of the body. I received no summons or notification from the committee from its first organization to its final dissolution, but Mr. Kremer was called upon by it to bring forward his proofs. For one moment be pleased to stop here and contemplate his posture, his relation to the house and to me, and the high obligations under which he had voluntarily placed himself. He was a member of one of the most august assemblies upon earth, of which he was bound to defend the purity or expose the corruption, by every consideration which ought to influence a patriot bosom. A most responsible and highly important constitutional duty, was to be performed by that assembly. He had chosen in an anonymous letter, to bring against its presiding officer charges, in respect to that duty, of the most flagitious character. These charges comprehended delegations from several highly respectable states. If true, that presiding officer merited not merely to be dragged from the chair, but to be expelled the house. He challenges an investigation into his conduct, and Mr. Kremer boldly accepts the challenge, and promises to sustain his accusation. The committee, appointed by the house itself, with the common consent of both parties, calls upon Mr. Kremer to execute his pledge publicly given, in his proper place, and also, previously given in the public prints.—Here is the theatre of the alleged arrangements; this the vicinage in which the trial ought to take place. Every thing was here fresh in the recollection of the witnesses, if there were any. Here all the proofs were concentrated. Mr. Kremer was stimulated by every motive which could impel to action; by his consistency of character; by duty to his constituents—to his country; by that of re-

deeming his solemn pledge; by his anxious wish for the success of his favourite, whose interests could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had no proofs, for the plainest of all reasons, because there was no truth in his charges.—They saw that to attempt to establish them and to fail, as he must fail in the attempt, might lead to an exposure of the conspiracy, of what he was the organ. They advised therefore that he should make a retreat, and their adroitness suggested, that in an objection to that jurisdiction of the house, which had been admitted, and in the popular topics of the freedom of the press, *his* duty to his constituents, and the inequality in the condition of the speaker of the house, and a member on the floor, plausible means might be found to deceive the ignorant and conceal his disgrace. A laboured communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped forward, and promised, as a representative of *the people*, to "cry aloud and spare not," forgot all his gratuitous gallantry and boasted patriotism, and sunk at once into profound silence.

With these remarks, I will, for the present, leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the presidential election. The first inquiry which it behoved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the house, from the colleges. General Jackson obtained ninety-nine, Mr. Adams eighty-four, and Mr. Crawford forty-one. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the constitution had intended that it should have been decisive, the constitution would have made it decisive, and interdicted the exercise of any discretion on the part of the house of representatives. The constitution has not so ordained, but, on the contrary, it has provided, that "from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose, immediately, by ballot, a president." Thus, a discretion is necessarily invested in the house—for choice

implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the constitution of the country, conclusive upon the judgment of the house, it still remains to determine what is the true degree of weight belonging to it? It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the house. But this is the same argument of conclusiveness, which the constitution does not enjoin, thrown into a different, but more imposing shape. Let me analyze it. There are certain states, the aggregate of whose electoral votes conferred upon the highestreturned candidate, indicates their wish that he should be the president. Their votes amount in number to ninety-nine, out of two hundred and sixty-one electoral votes of the whole Union. These ninety-nine do not, and cannot, of themselves, make the president. If the fact of particular states giving ninety-nine votes can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people, who appoint, have the right to direct, by their instruction, in certain cases, the course of the representative whom they appoint. The states, therefore, who gave those ninety-nine votes, may in some sense be understood thereby to have instructed their representatives in the house to vote for the person on whom they were bestowed, in the choice of a president. But most clearly the representatives coming from other states, which gave no part of those ninety-nine votes, cannot be considered as having been under any obligation to surrender their judgments to those of the states which gave the ninety-nine votes. To contend that they are under such an obligation would be to maintain that the people of one state have a right to instruct the representatives from another state. It would be to maintain a still more absurd proposition, that, in a case where the representatives from a state did not hold themselves instructed and bound by the will of that state, as indicated in its electoral college, the representatives from another state were, nevertheless, instructed and bound by that alien will. Thus the entire vote of North Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those

states voted.—And yet the argument combatted requires that the delegation from Kentucky, who do not represent the people of North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two states, when their own delegation paid no attention to it.—Doubtless, those delegations felt themselves authorised to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective states; and felt themselves justified, from a view of the whole ground, to act upon their responsibility and according to their best judgments, disregarding the electoral votes in their states. And are representatives from a different state not only bound by the will of the people of a different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it. Here are twenty-four communities, united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others; but it cannot be admitted to be conclusive upon them. The expression of the will of ninety-nine out of two hundred and sixty-one electors is entitled to very great attention, but that will cannot be considered as entitled to control the will of the one hundred and sixty-two electors, who have manifested a different will. To give it such controlling influence, would be a subversion of the fundamental maxim of the republic—that the majority should govern. The will of the ninety-nine can neither be allowed rightfully to control the remaining one hundred and sixty-two, nor any one of the one hundred and sixty-two electoral votes. It may be an argument, a persuasion, addressed to all, and to each of them, but it is binding and obligatory upon none. It follows, then, that the fact of a plurality was only one among the various considerations which the house was called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between general Jackson and Mr. Adams, the vote standing in the proportions of ninety-nine to eighty-four, it was entitled to less weight; as between the general and Mr. Craw-

ford it was entitled to more, the vote being as ninety-nine to forty-one. The concession may even be made that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote, with which the three returned candidates entered the house, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who barely entered the house, with only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality, operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appeared to me that the precarious state of that gentleman's health, although I participated with his best friends, in all their regrets and sympathies, on account of it, was conclusive against him, to say nothing of other considerations of a public nature which would have deserved examination, if, happily, in that respect he had been differently circumstanced. He had been ill near eighteen months; and although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious; I judged for myself upon what I saw and heard. He may, and I ardently hope will, recover; but I did not think it became me to assist in committing the executive administration of this great republic on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed and yet believe, that if the votes of the western states, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the house the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether—the very worst result I thought, that could happen. It appeared to me then, that sooner or later we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and general Jackson,

and I thought that the earlier we got there, the better for the country and for the house.

In considering this only alternative, I was not unaware of your strong desire to have a western president; but I thought that I knew enough of your patriotism, and magnanimity, displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject—that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment: In speaking of general Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him as becomes me, with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of chief magistrate, as his competitor. He has displayed great skill and bravery as a military commander, and his renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of president of the United States, the incumbent must have more than mere military attainments—he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist; and doubtless the union of all these characters in the person of a chief magistrate would be desirable; but no one of them, nor all combined, will qualify him to be president, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say, that it is an objection to the elevation, to the chief magistracy, of any person, that he is a military commander, if he unites the other qualifications, I only intend to say that, whatever may be the success or splendour of his military achievements, if his qualification be *only* military, that is an objection; and I think a decisive objection to his election. If general Jackson has exhibited, either in the councils of the Union, or in those of his own state, or in those of any other state or territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unne-

cessary to recapitulate some of the incidents, which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person, united a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and throughout his whole life, a familiarity and acquaintance with business and civil transactions, which rarely characterise any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to general Jackson, when I say, that I could not recognise, in his public conduct, those attainments for both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards general Jackson for his brilliant military services. But the impulses of public gratitude should be controlled, as it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous indulgence of a feeling, however amiable and excellent that feeling may be when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believed, general Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. General Jackson himself would be the last man to recommend or vote for any one for a place, for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the department of war, he remarked: "I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendour to his present well earned standing as a public character." Such was my opinion of general Jackson, in reference to the presidency. His con-

victions of governor Shelby's unfitness, by the habits of his life, for the appointment of secretary of war, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a president of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent; and I am ~~mistaken~~ in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry, but I have yet to acquire the knowledge of it, if there be one more perilous or more frequent.

Whether Mr. Adams would, or would not have been my choice of a president, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed, in the selection I had to make, to one of the three gentlemen, whom the people themselves had thought proper to present to the house of representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly gifted, profoundly learned, and long and greatly experienced in public affairs; at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country whom it might be proper to employ in the public service; extensively possessed of much of that valuable kind of information, which is to be acquired neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter on the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office, from which he was to be translated.

A collateral consideration of much weight was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to

me. They said, "Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us." Was not much due to our neighbour and friend?

I considered, with the greatest respect, the resolution of the general assembly of Kentucky, requesting the delegation to vote for general Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the union, was left by its legislature entirely free to examine the pretensions of all the candidates, and to form its unbiassed judgment, the general assembly of Kentucky thought proper to interpose and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties to conform to the request of the general assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the general. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew that their intention was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No election, no general expression of the popular sentiment had occurred since that in November, when electors were chosen, and at that the people, by an overwhelming majority, had decided against general Jackson. I could not see how such an expression *against* him, could be interpreted into that of a desire *for* his election. If, as is true, the candidate whom they preferred, was not returned to the house, it is equally true, that the *state* of the contest as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this *new* state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at

which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members who had voted for the resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows: "We the undersigned voters in the congressional district, having viewed the instruction or request of the legislature of Kentucky, on the subject of choosing a president and vice-president of the United States, with regret, and the said request or instruction to our representative in congress from this district, being without our knowledge or consent; we for many reasons known to ourselves, connected with so momentous an occasion, hereby *instruct* our representative in congress to vote on this occasion agreeably to his own judgment, and by the best lights he may have on the subject, with, or without, the consent of the legislature of Kentucky." This instruction came both unexpectedly and unsolicited by me, and it was accompanied by letters assuring me, that it expressed the opinion of a majority of my constituents. I could not therefore regard the resolution as conclusive evidence of your wishes.

Viewed as a mere request, as it purported to be, the general assembly doubtless had the power to make it. But, then, with great deference, I think it was worthy of serious consideration whether the dignity of the general assembly ought not to have induced it to forbear addressing itself not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the general assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our state, its legislature has never assumed nor exercised the right to instruct the representatives in congress. I did not recognize the right, therefore, of the legislature to instruct me. I recognized that right only when exerted by you. That the portion of the public servants who made up the general assembly have no right to instruct that portion of them who constituted the Kentucky delegation in

the house of representatives, is a proposition too clear to be argued. The members of the general assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the general assembly, the adoption of the resolution referred to, I must say that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the general assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasions but that was not my situation, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election, it was rumored that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the twenty-sixth of February, the address, under his name, to the "Electors of the Ninth Congressional District of the State of Pennsylvania," made its appearance in the Washington City Gazette. No member of the house, I am persuaded, believed that Mr. Kremer wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the house. Those who counselled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the house. The first observation which is called for by the address is the place of its publication. That place was in this city, remote from the centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any, circulation in it. The *time* is also remarkable. The fact that the president intended to nominate me to the senate for the office which I now hold, in the course of a few days, was then well known, and the publication of the address was, no doubt, made less

with an intention to communicate information to the electors of the ninth congressional district of Pennsylvania, than to affect the decision of the senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co. made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocose, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive nature the next day in the indignant countenance of every unprejudiced and honorable member. In his card, Mr. Kremer had been made to say, that he held himself ready "to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, *to the extent that they concern the course of conduct of H. Clay.*" The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discriminating between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts re-act upon me.

Of the few topics of the address upon which I shall remark, the first is, the accusation, brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom was I amenable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing hardly time for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arraign me before the American public as the vialator of instructions which I was bound to obey. If, instead of being, as you are, and I hope always will be, vigilant observers of the conduct of your public agents, jealous of your rights, and competent to protect and defend them, you had been ignorant and culpably confiding, the gratuitous interposition, as your advocate, of the honorable George Kremer, of the ninth congressional district in Pennsylvania, would have merited your most grateful acknowledgments. Even upon that supposition, his arraignment of me would have required

for its support one small circumstance, which happens not to exist, and that is, the *fact* of your having actually instructed me to vote according to his pleasure.

The relations in which I stood to Mr. Adams constitute the next theme of the address, which I shall notice. I am described as having assumed "a position of peculiar and decided hostility to the election of Mr. Adams," and expressions towards him are attributed to me, which I never used. I am made also responsible for "pamphlets and essays of great ability," published by my friends in Kentucky in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of general Jackson, in reference to publications issued, for example, from the Columbian Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or general Jackson. That I ever did any thing against Mr. Adams, or either of the other gentlemen, inconsistent with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that with a knowledge of his perfidy, I, nevertheless, voted for him. If these imputations are well founded, I should, indeed, be a fit object for public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation, which they would excite, will be turned from me. My letter, addressed to the editors of the Intelligencer, under date of the fifteenth of November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justification there is for such an assertion. It advert's to the controversy which had arisen between Messrs. Adams and Russell, and then proceeds to state that, "in the course of the several publications, of which it has been the occasion, and, particularly in the appendix to a pamphlet which had been recently published by the honorable John Quincy Adams, I think there are some errors (no doubt

unintentional) both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, *and to the part which I bore in those transactions.* These important interests are now well secured,"—"An account, therefore, of what occurred in the negociation at Ghent, on those two subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is *only* interesting as appertaining to its *past* history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had *almost* resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understood them."

From even a careless perusal of that letter, it is apparent, that the only *two* subjects of the negociations at Ghent, to which it refers, were the navigation of the Mississippi and certain fishing liberties; that the errors, which I had supposed were committed, applied to both Mr. Russell and Mr. Adams, though more particularly to the appendix of the latter; that they were unintentional; that they affected myself principally; that I deemed them of no public importance, as connected with the then, or future, security of any of the rights of the nation, but only interesting to its past history; that I doubted the necessity of my offering to the public any account of those transactions; and that the narrative which I promised was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I yet think there are some unintentional errors, in the controversial papers between him and Mr. Russel. But I have reserved to myself an exclusive right of judging when I shall execute the promise which I have made, and I shall be neither quickened nor retarded in its performance, by the friendly anxieties of any of my opponents.

If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known by the publication of the British and American projets, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made at Ghent a demand of the navigation of the Mississippi, by an article in their projet nearly in the same words as those which were employed in the treaty of 1783; that a majority of the American commissioners was in favor of acceding to that demand, upon the condition that the British government would concede to us the same fishing liberties, within their jurisdiction, as were secured to us by the same treaty of 1783; and that both demands were finally abandoned. The fact of these mutual propositions was communicated by me to the American public in a speech which I delivered in the house of representatives, on the twenty-ninth day of January, 1816. Mr. Hopkinson had arraigned the terms of the treaty of peace, and charged upon the war and the administration, the loss of the fishing liberties, within the British jurisdiction, which we enjoyed prior to the war. In vindicating, in my reply to him, the course of the government and the conditions of the peace, I stated:—

“When the British commissioners demanded, in their projet, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, *actuated he believed by the best motives*, made, however, the offer, and it was refused by the British commissioners.” [See *Daily National Intelligencer*, of the twenty-first of March, 1816.] And what I thought of my colleagues of the majority, appears from the same extract. The spring after the termination of the negotiations at Ghent, I went to London, and there entered upon a new and highly important negotiation with two of them, (Messrs. Adams and Gallatin,) which resulted, on the third day of July, 1815, in the Commercial Convention, which has been since made the basis of most of our commercial arrangements with foreign powers. Now, if I had discovered at Ghent, as has been asserted,

that either of them was false and faithless to his country, would I have voluntarily commenced with them another negotiation? Further: there never has been a period, during our whole acquaintance, that Mr. Adams and I have not exchanged when we have met, friendly salutations, and the courtesies and hospitalities of social intercourse.

The address proceeds to characterize the support which I gave to Mr. Adams as *unnatural*. The authors of the address have not stated why it is unnatural, and we are therefore left to conjecture their meaning. Is it because Mr. Adams is from New England, and I am a citizen of the west? If it be unnatural in the western states to support a citizen of New England, it must be equally unnatural in the New England states to support a citizen of the west.—And, on the same principle, the New England states ought to be restrained from concurring in the election of a citizen in the southern states, or the southern states from co-operating in the election of a citizen of New England. And, consequently, the support which the last three presidents have derived from New England, and that which the vice-president recently received, has been most unnaturally given. The tendency of such reasoning would be to denationalize us, and to contract every part of the union, within the narrow selfish limits of its own section. It would be still worse; it would lead to the destruction of the union itself. For if it be unnatural in one section to support a citizen in another, the union itself must be unnatural; all our ties, all our glories, all that is animating in the past, all that is bright and cheering in the future, must be unnatural. Happily, such is the admirable texture of our union, that the interests of all its parts are closely interwoven. If there are strong points of affinity between the south and the west, there are interests of not less, if not greater, strength and vigor, binding the west and the north, and the east.

Before I close this address, it is my duty, which I proceed to perform with great regret, on account of the occasion which calls for it, to invite your attention to a letter addressed by general Jackson to Mr. Swartwout, on the twenty-third day of February last. The names of both the general and myself had been before the American public, for its highest office. We had both been unsuccessful. The unfortunate have usually some sympathy for each other. For myself, I claim no merit for the cheerful acquiescence

which I have given in a result by which I was excluded from the house. I have believed that the decision by the constituted authorities, in favor of others, has been founded upon a conviction of the superiority of their pretensions. It has been my habit, when an election is once decided, to forget, as soon as possible, all the irritating circumstances which attended the preceding canvass. If one be successful, he should be content with his success. If he have lost it, railing will do no good. I never gave general Jackson nor his friends, any reason to believe that I would, in any contingency, support him. He had, as I thought, no public claim, and I will now add, no personal claims, if these ought to be ever considered, to my support. No one, therefore, ought to have been disappointed or chagrined that I did not vote for him. No more than I was, neither surprised nor disappointed, that he did not on a more recent occasion, feel it to be his duty to vote for me. After commenting upon a particular phrase used in my letter to judge Brooke, a calm reconsideration of which will, I think, satisfy any person that it was not employed in an offensive sense, if indeed it have an offensive sense, the general, in his letter to Mr. Swartwout, proceeds to remark: "No one beheld me seeking through art or management, to entice any representative in congress from a conscientious responsibility to his own, or the wishes of his constituents. No midnight taper burnt by me; no secret conclaves were held, nor cabals entered into to persuade any one to a violation of pledges given, or of instructions received. By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim which maintains the supremacy of the people's will. On the contrary, having never in any manner before the people, or congress, interfered in the slightest degree with the question, my conscience stands void of offence, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit." I am not aware that this defence of himself was rendered necessary by any charges brought forward against the general. Certainly I never made any such charges against him. I will not suppose that in the passages cited, he intended to impute to me the misconduct which he describes, and yet taking the whole context of his letter together, and coupling it with Mr. Kremer's address,

it cannot be disguised that others may suppose he intended to refer to me. I am quite sure that if he did, he could not have formed those unfavorable opinions of me upon any personal observation of my conduct made by himself; for a supposition that they were founded upon his own knowledge, would imply that my lodgings and my person, had been subjected to a system of espionage wholly incompatible with the open, manly, and honorable conduct of a gallant soldier. If he designed any insinuations against me, I must believe that he made them upon the information of others, of whom I can only say, that they have deceived his credulity, and are entirely unworthy of all credit. I entered into no cabals; I held no secret conclaves; I enticed no man to violate pledges given or instructions received.—The members from Ohio and from the other western states, with whom I voted, were all of them as competent as I was to form an opinion on the pending election. The M'Arthurs and the Metcalfes and the other gentlemen from the west, (some of whom have, if I have not, bravely "made an effort to repel an invading foe") are as incapable of dishonor as any men breathing—as disinterested, as unambitious, as exclusively devoted to the best interests of their country. It was quite as likely that I should be influenced by them, as that I could control their votes. Our object was not to impair, but to preserve from all danger, the purity of our republican institutions. And how I prostrated the maxim which maintains the supremacy of the people's will, I am entirely at a loss to comprehend. The illusions of the general's imagination deceive him. *The people* of the United States had never decided the election in his favor. If the people had *willed* his election, he would have been elected. It was because they had *not willed* his election, nor that of any other candidate, that the duty of making a choice devolved on the house of representatives.

The general remarks: "Mr. Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe; of course his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory." The logic of this conclusion is not very striking. General Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who on the sea or on the land have sustained the glory of our arms, if I

could not always approve of the acts of some of them? It is true, that it has been my misfortune never to have repelled an invading foe; nor to have led my countrymen to victory. If I had I should have left to others to proclaim and appreciate the deed. The general's destiny and mine have led us in different directions. In the civil employments of my country, to which I have been confined, I regret that the little service which I have been able to render it, falls far short of my wishes. But, why this denunciation of those who have not repelled an invading foe, or led our armies to victory? At the very moment when he is inveighing against an objection to the election to the presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has not successfully fought the public enemy? And that, by such a general proscription, and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the ultimate establishment of a military government?

If the contents of the letter to Mr. Swartwout, were such as justly to excite surprise, there were other circumstances not calculated to diminish it. Of all the citizens of the United States, that gentleman is one of the last to whom it was necessary to address any vindication of general Jackson. He had given abundant evidence of his entire devotion to the cause of the general. He was here after the election, and was one of a committee who invited the general to a public dinner, proposed to be given to him in this place. My letter to judge Brooke was published in the papers of this city on the twelfth of February. The general's note, declining the invitation of Mr. Swartwout, and others, was published on the fourteenth, in the National Journal. The probability therefore is, that he did not leave this city until after he had a full opportunity to receive in a personal interview with the general, any verbal observations upon it which he might have thought proper to make. The letter to Mr. Swartwout bears date the twenty-third of February. If received by him in New York, it must have reached him, in the ordinary course of the mail, on the twenty-fifth or twenty-sixth. Whether intended or not as a "private communication," and not for the "public eye," as alleged by him, there is much probability in believing that its publication in New York, on the fourth of March, was then

made, like Mr. Kremer's address, with the view to its arrival in this city in time to effect my nomination to the senate. In point of fact, it reached here the day before the senate acted on that nomination.

Fellow citizens, I am sensible that generally a public officer had better abstain from any vindication of his conduct, and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just taken place between us, and the venom, if not the vigor, of the late onsets upon my public conduct, will, I hope, be allowed in this instance to form an adequate apology. It has been upwards of twenty years since I first entered the public service. Nearly three-fourths of that time, with some intermissions, I have represented the same district in congress, with but little variation in its form. During that long period, you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the most afflictiong public misfortunes, which could befall me. That I have often misconceived your true interests, is highly probable. That I have ever sacrificed them to the object of personal aggrandizement, I utterly deny. And for the purity of my motives, however in other respects I may be unworthy to approach the Throne of Grace and Mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude.

H. CLAY.

WASHINGTON, 26TH MARCH, 1825.

SPEECH AT LEWISBURG.

Mr. Clay's speech at the dinner given him at Lewisburg, Virginia. [From the Lewisburg, Va. Palladium, of September 11.]

Lewisburg, August 23d, 1826.

The Hon. HENRY CLAY,

SIR:—At a meeting of a respectable number of the inhabitants of Lewisburg and its vicinity, convened in the court house on the twenty-second inst. it was unanimously determined to greet your arrival amongst them by some public demonstration of the respect which they in common with a great portion of the community, feel towards one of their most distinguished fellow citizens. It was therefore unanimously resolved, as the most eligible means of manifesting their feelings, to request the honor of your presence at a public dinner to be given at the tavern of Mr. Frazer, in the town of Lewisburg, on Wednesday the thirtieth instant.

In pursuance of the above measures, we as a committee, have been appointed to communicate their resolutions and solicit a compliance with their invitation. In performing this agreeable duty, we cannot but express our admiration of the uniform course which, during a long political career, you have pursued with so much honor to yourself and country. Although the detractions of envy, and the violence of party feeling have endeavoured to blast your fair reputation, and destroy the confidence reposed in you by the citizens of the United States, we rejoice to inform you, that the people of the western part of that state which claims you as one of her most gifted sons, still retain the same high feeling of respect, which they have always manifested in spite of the maledictions and bickerings of *disappointed* editors and *interested* politicians. We cannot close our communication without hailing you as one of the most distinguished advocates of that system of internal improvement which has already proved so beneficial to our country,

and which at no distant period will make even these desert mountains to blossom as the rose.

We have the honor to subscribe ourselves,

Your's with esteem,

J. G. M'CLENACHEN,
JAMES M'LAUGHLIN,
J. F. CALDWELL,

JOHN BEIRNE,
J. A. NORTH,
HENRY ERSKINE.

White Sulphur Springs, 24th August, 1826.

GENTLEMEN:—I have received the note which you did me the honor on yesterday to address to me, inviting me in behalf of a respectable number of the citizens of Lewisburg and its vicinity, to a public dinner at Mr. Frazer's tavern, on Wednesday next, which they have the goodness to propose, in consequence of my arrival amongst them, as a manifestation of their respect. Such a compliment was most unexpected by me on a journey to Washington, by this route, recommended to my choice by the pure air of a mountain region, and justly famed mineral waters, a short use of which I hoped might contribute to the perfect re-establishment of my health. The gratification which I derive from this demonstration of kindness and confidence, springs, in no small degree, from the consideration that it is the spontaneous testimony of those with whom I share a common origin, in a venerated state, endeared to me by an early tie of respect and affection, which no circumstance can ever dissolve. In communicating to that portion of the citizens of Lewisburg and its vicinity, who have been pleased thus to favor me, by their distinguished notice, my acceptance of their hospitable invitation, I pray you to add my profound acknowledgments. And of the friendly and flattering manner in which you have conveyed it, and for the generous sympathy, characteristic of Virginia, which you are so obliging as to express, on account of the detractions of which I have been the selected object, and the meditated victim, be assured that I shall always retain a lively and grateful remembrance.

I am, gentlemen, with great esteem and regard, faithfully,
your obedient servant,

HENRY CLAY.

*Messrs. M'Clennen, North, M'Laughlin, Caldwell,
Beirne, and Erskine, &c. &c.*

TOAST

Seventh. *Our distinguished guest, Henry Clay*—The statesman, orator, patriot and philanthropist; his splendid talents shed lustre on his native state, his eloquence is an ornament to his country.

When this toast was drank, Mr. Clay rose, and addressed the company in a speech, which occupied nearly an hour in the delivery, of which we can only attempt an imperfect sketch.

He said, that he had never before felt so intensely the want of those powers of eloquence which had been just erroneously ascribed to him. He hoped, however, that in his plain and unaffected language, he might be allowed, without violating any established usage which prevails here, to express his grateful sensibility, excited by the sentiment with which he had been honored, and for the kind and respectful consideration of him manifested on the occasion which had brought them together. In passing through my native state, said he, towards which I have ever borne, and shall continue, in all vicissitudes, to cherish the greatest respect and affection, I expected to be treated with its accustomed courtesy and private hospitality. But I did not anticipate that I should be the object of such public, distinguished, and cordial manifestations of regard. In offering you the poor and inadequate return of my warm and respectful thanks, I pray you to believe that I shall treasure up these testimonies among the most gratifying reminiscences of my life. The public service which I have rendered my country, your too favorable opinion of which has prompted you to exhibit these demonstrations of your esteem, has fallen far below the measure of usefulness, which I should have been happy to have filled. I claim for it only the humble merit of pure and patriotic intention. Such as it has been, I have not always been fortunate enough to give satisfaction to every section and to all the great interests of our country.

When an attempt was made to impose upon a new state, about to be admitted into the union, restrictions incompatible as I thought with her co-equal sovereign power, I was charged in the north with being too partial to the south, and as being friendly to that unfortunate condition of slavery, of the evils of which none are more sensible than I am.

At another period, when I believed that the industry of

this country required some protection against the selfish and contracted legislation of foreign powers, and to constitute it a certain and safe source of supply, in all exigencies; the charge against me was transposed, and I was converted into a foe of southern, and an infatuated friend of northern and western interests.

There were not wanting persons, in every section of the union, in another stage of our history, to accuse me with rashly contributing to the support of a war, the only alternative left to our honor by the persevering injustice of a foreign nation. These contradictory charges and perverted views gave me no concern, because I was confident that time and truth would prevail over all misconceptions; and because they did not impeach my public integrity.—But I confess I was not prepared to expect the aspersions which I have experienced on account of a more recent discharge of public duty. My situation on the occasion to which I refer, was most peculiar and extraordinary, unlike that of any other American citizen. One of the three candidates for the presidency, presented to the choice of the house of representatives, was out of the question for notorious reasons now admitted by all. Limited as the competition was to the other two, I had to choose between a statesman long experienced at home and abroad in numerous civil situations, and a soldier, brave, gallant and successful, but a mere soldier, who, although he had also filled several civil offices, had quickly resigned them all, frankly acknowledging, in some instances, his incompetency to discharge their duties.

It has been said that I had some differences with the present chief magistrate, at Ghent. It is true that we did not agree on one of the many important questions which arose during the negotiations in that city, but the difference equally applied to our present minister at London and to the lamented Bayard, between whom and myself, although we belonged to opposite political parties, there existed a warm friendship to the hour of his death. It was not of a nature to prevent our co-operation together in the public service, as is demonstrated by the convention at London subsequently negotiated by Messrs. Adams, Gallatin and myself. It was a difference of opinion on a point of expediency, and did not relate to any constitutional or fundamental principle. But with respect to the conduct of the distinguished citizen of Tennessee, I had solemnly ex-

pressed, under the highest obligations, opinions, which, whether right or wrong, were sincerely and honestly entertained, and are still held. These opinions related to a military exercise of power believed to be arbitrary and unconstitutional. I should have justly subjected myself to the grossest inconsistency, if I had given him my suffrage. I thought if he were elected, the sword and the constitution, bad companions, would be brought too near together. I could not have foreseen that, fully justified as I have been by those very constituents, in virtue of whose authority, I exerted the right of free suffrage, I should nevertheless be charged with a breach of duty and corruption by strangers to them, standing in no relation to them but that of being citizens of other states, members of the confederacy. It is in vain that these revilers have been called upon for their proofs; have been defied, and are again invited to enter upon any mode of fair investigation and trial—shrinking from every impartial examination, they persevere, with increased zeal, in the propagation of calumny, under the hope of supplying by the frequency and boldness of asseveration, the want of truth and the deficiency of evidence; until we have seen the spectacle exhibited of converting the hall of the first legislative assembly upon earth, on the occasion of discussions which above all others should have been characterized by dignity, calmness and temperance, into a theatre for spreading suspicions and groundless imputations against an absent and innocent individual.

Driven from every other hold, they have seized on the only plank left within their grasp, that of my acceptance of the office of secretary of state, which has been asserted to be the consummation of a previous corrupt arrangement. What can I oppose to such an assertion, but positive, peremptory and unqualified denial, and a repetition of the demand for proof and trial? The office to which I have been appointed is that of the country, created by it, and administered for its benefit. In deciding whether I should accept it or not, I did not take counsel from those who, foreseeing the probability of my designation for it, sought to deter me from its acceptance by fabricating anticipated charges, which would have been preferred with the same zeal and alacrity, however I might have decided. I took counsel from my friends, from my duty, from my conscious innocence of unworthy and false imputations. I was not

left at liberty by either my enemies or my friends to decline the office. I would willingly have declined it from an unaffected distrust of my ability to perform its high duties, if I could have honorably declined it. I hope the uniform tenor of my whole public life will protect me against the supposition of any unreasonable avidity for public employment. During the administration of that illustrious man, to whose civil services more than to those of any other American patriot, living or dead, this country is indebted for the blessings of its present constitution, now more than ten years ago, the mission to Russia, and a place in his cabinet were successively offered me. A place in *his* cabinet, at that period of my life, was more than equivalent to any place under any administration, at my present more advanced age. His immediate successor tendered to me the same place in his cabinet, which he anxiously urged me to accept, and the mission to England. Gentlemen, I hope you will believe that far from being impelled by any vain or boastful spirit, to mention these things, I do it with humiliation and mortification.

If I had refused the department of state, the same individuals who now, in the absence of all proof, against all probability, and in utter disregard of all truth, proclaim the existence of a corrupt previous arrangement, would have propagated the same charge with the same affected confidence which they now unblushingly assume. And it would have been said, with at least much plausibility, that I had contributed to the election of a chief magistrate, of whom I thought so unfavorably that I would not accept that place in his cabinet which is generally regarded as the first. I thought it my duty, unawed by their denunciations, to proceed in the office assigned me by the president and senate, to render the country the best service of which my poor abilities are capable. If this administration should show itself unfriendly to American liberty and to free and liberal institutions; if it should be conducted upon a system adverse to those principles of public policy, which I have ever endeavoured to sustain, and I should be found still clinging to office, then nothing which could be said by those who are inimical to me, would be undeserved.

But the president ought not to have appointed one who had voted for him. Mr. Jefferson did not think so, who called to his cabinet a gentleman who had voted for him,

in the most warmly contested election that has ever occurred in the house of representatives, and who appointed to other highly important offices other members of the same house, who voted for him. Mr. Madison did not think so, who did not feel himself restrained from sending me on a foreign service, because I had supported his election. Mr. Monroe did not think so, who appointed in his cabinet a gentleman, now filling the second office in the government, who attended the caucus that nominated, and warmly and efficiently espoused his election. But, suppose the president acted upon the most disinterested doctrine which is now contended for by those who opposed his election, and were to appoint to public office from *their* ranks only, to the entire exclusion of those who voted for him, would he then escape their censure? No! we have seen him charged, for that equal distribution of the public service among every class of citizens, which has hitherto characterized his administration with the nefarious purpose of buying up portions of the community. A spirit of denunciation is abroad.—With some, condemnation right or wrong, is the order of the day. No matter what prudence and wisdom may stamp the measures of the administration, no matter how much the prosperity of the country may be advanced, or what public evils may be averted, under its guidance, there are persons who would make general, indiscriminate and interminable opposition. This is not a fit occasion, nor perhaps am I a fit person to enter upon a vindication of its measures. But I hope I shall be excused for asking what measure of domestic policy has been proposed or recommended by the present executive, which has not its prototype in previous acts or recommendations of administrations at the head of which was a citizen of Virginia? Can the liberal and high-minded people of this state, condemn measures emanating from a citizen of Massachusetts, which when proposed by a Virginian, commanded their express assent or silent acquiescence, or to which, if in any instance they made opposition, it was respectful, limited and qualified? The present administration desires only to be judged by its measures, and invites the strictest scrutiny and the most watchful vigilance on the part of the public.

With respect to the Panama mission, it is true that it was not recommended by any preceding administration, because the circumstances of the world were not then such as to

present it as a subject for discussion. But, during that of Mr. Monroe, it has been seen that it was a matter of consideration, and there is every reason to believe, if he were now at the head of affairs, his determination would correspond with that of his successor. Let me suppose that it was the resolution of this country, under no circumstances, to contract with foreign powers intimate public engagements, and to remain altogether unbound by any treaties of alliance, what should have been the course taken with the very respectful invitation which was given to the United States to be represented at Panama? Haughtily folding your arms, would you have given it a cold and abrupt refusal? Or would you not rather accept it, send ministers, and in a friendly and respectful manner, endeavour to satisfy those who are looking to us for counsel and example, and imitating our free institutions, that there is no necessity for such an alliance; that the dangers which alone could, in the opinion of any one have justified it have vanished, and that it is not good for them or for us?

What may be the nature of the instructions with which our ministers may be charged, it is not proper that I should state; but all candid and reflecting men must admit, that we have great interests in connexion with the southern republics, independent of any compacts of alliance. Those republics, now containing a population of upwards of twenty millions, duplicating their numbers probably in periods still shorter than we do, comprising within their limits the most abundant sources of the precious metals, offer to our commerce, to our manufactures, to our navigation, so many advantages that none can doubt the expediency of cultivating the most friendly relations with them. If treaties of commerce and friendship, and liberal stipulations in respect to neutral and belligerent rights, could be negotiated with each of them at its separate seat of government, there is no doubt that much greater facilities for the conclusion of such treaties present themselves at a point where all being represented, the way may be smoothed and all obstacles removed by a disclosure of the views and wishes of all, and by mutual and friendly explanations. There was one consideration which had much weight with the executive, in the decision to accept the mission; and that was the interest which this country has, and especially the southern states, in the fate and fortunes of the island of Cuba. No subject of our foreign relations

has created with the executive government more anxious concern, than that of the condition of that island and the possibility of prejudice to the southern states, from the convulsions to which it might be exposed. It was believed, and is yet believed, that the dangers which, in certain contingencies might threaten our quiet and safety, may be more successively averted at a place at which all the American powers should be represented than any where else. And I have no hesitation in expressing the firm conviction that, if there be one section of this union more than all others interested in the Panama mission and the benefits which may flow from it, that section is the south. It was therefore with great and unaffected surprise that I witnessed the obliquity of those political views which led some gentlemen from that quarter to regard the measure, as it might operate on the southern states in an unfavorable light. Whatever may be the result of the mission, its moral effect in Europe will be considerable, and it cannot fail to make the most friendly impressions upon our southern neighbors. It is one of which it is difficult, in sober imagination, to conceive any possible mischievous consequences, and which the executive could not have declined, in my opinion, without culpable neglect of the interests of this country, and without giving dissatisfaction to nations whose friendship we are called upon by every dictate of policy to conciliate.

There are persons who would impress on the southern states the belief that they have just cause of apprehending danger to a certain portion of their property from the present administration. It is not difficult to comprehend the object and the motive of these idle alarms. What measure of the present administration gives any just occasion for the smallest apprehension to the tenure by which that species of property is held? However much the president and the members of his administration may deprecate the existence of slavery among us as the greatest evil, with which we are afflicted, there is not one of them that does not believe that the constitution of the general government, confers no authority to interpose between the master and his slave, none to apply an adequate remedy, if indeed there be any remedy within the scope of human power. Suppose an object of these alarmists were accomplished, and the slave holding states were united in the sentiment that the policy of this government in all time to come, should be regulated on the

basis of the fact of slavery, would not union on the one side lead to union on the other? And would not such a fatal division of the people and states of this confederacy produce perpetual mutual irritation and exasperation, and ultimately disunion itself? The slave holding states cannot forget that they are now in a minority, which is in a constant relative diminution, and should certainly not be the first to put forth a principle of public action by which they would be the greatest losers.

I am but too sensible of the unreasonable trespass on your time which I have committed, and of the egotism of which my discourse has partaken. I must depend for my apology upon the character of the times, on the venom of the attacks which have been made upon my character and conduct, and upon the generous sympathy of the gentlemen here assembled. During this very journey a paper has been put into my hands, in which a member of the house of representatives is represented to have said that the distinguished individual at the head of the government and myself have been indicted by the people. If that is the case, I presume that some defence is lawful. By the bye, if the honorable member is to have the sole conduct of the prosecution without the aid of other counsel, I think that it is not difficult to predict that his clients will be non suited, and that they will be driven out of court with the usual judgment pronounced in such cases.

In conclusion, I beg leave to offer a toast which, if you are as dry as I am, will I hope, be acceptable for the sake of the wine, if not the sentiment.

"The continuation of the turnpike road which passes through Lewisburg, and success to the cause of internal improvement, under every auspices."

He then took his seat amid the repeated cheers of the whole company.

